



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA June 25, 2014

Tom Baker Meeting Room

5:00 p.m.

City-County Building

Item No.

Page

MINUTES

1. Consider approval of the minutes of the May 28, 2014 meeting of the Bismarck Planning & Zoning Commission.

CONSENT AGENDA

CONSIDERATION

The following items are requests for a public hearing.

2. **North 180 feet of Lot 1, Block 1, Kilber North Addition –**
Zoning Change (RM15 to RT) (Klee)..... 1
Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny
3. **Lots 1-3, Block 3, Edgewood Village 7th Addition –**
Zoning Change (RM30 to PUD) (JT)..... 5
Staff recommendation: schedule a hearing ☐schedule a hearing ☐table ☐deny

REGULAR AGENDA

FINAL CONSIDERATION/PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission.

4. **University of Mary Subdivision (Klee)**
 - a. Zoning Change (A & RR to P) 17
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny
 - b. Final Plat..... 23
Staff recommendation: approve ☐approve ☐continue ☐table ☐deny



5. Inland Addition (JT)	
a. Zoning Change (RM30 to RT).....	31
Staff recommendation: approve	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Final Plat.....	35
Staff recommendation: approve	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
6. Fernwood Second Subdivision (JW)	
Hay Creek Township	
a. Zoning Change (A to RR).....	41
Staff recommendation: approve	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Final Plat.....	45
Staff recommendation: approve	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
7. Midwest Business Park Addition – Final Plat (JT).....	51
Staff recommendation: approve	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
8. Kamrose Crossing Addition (JT)	
a. Zoning Change (RM30 to PUD).....	57
Staff recommendation: approve	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
b. Minor Subdivision Final Plat.....	73
Staff recommendation: approve	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
9. Hay Creek Meadows First Replat – Minor Subdivision Final Plat (JW).....	79
Staff recommendation: approve	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
10. Bremner Avenue Addition – Minor Subdivision Final Plat (JW).....	83
Staff recommendation: approve	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
11. Part of Lots 3 and 4, Block 2, Meadow Valley Addition – Special Use Permit (Digital Billboard) (JW).....	87
Staff recommendation: approve	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny
12. Lot 1, Block 5, Sunrise Town Centre Addition – Special Use Permit (gas station/motor vehicle fueling station and car wash/auto laundry) (JW)	97
Staff recommendation: approve	<input type="checkbox"/> approve <input type="checkbox"/> continue <input type="checkbox"/> table <input type="checkbox"/> deny

13. **RM & RT Zoning Districts – Row Houses –**
Zoning Ordinance Text Amendment (Klee) 105

Staff recommendation: approve

☐ approve

☐ continue

☐ table

☐ deny

OTHER BUSINESS

14. **Other**

ADJOURNMENT

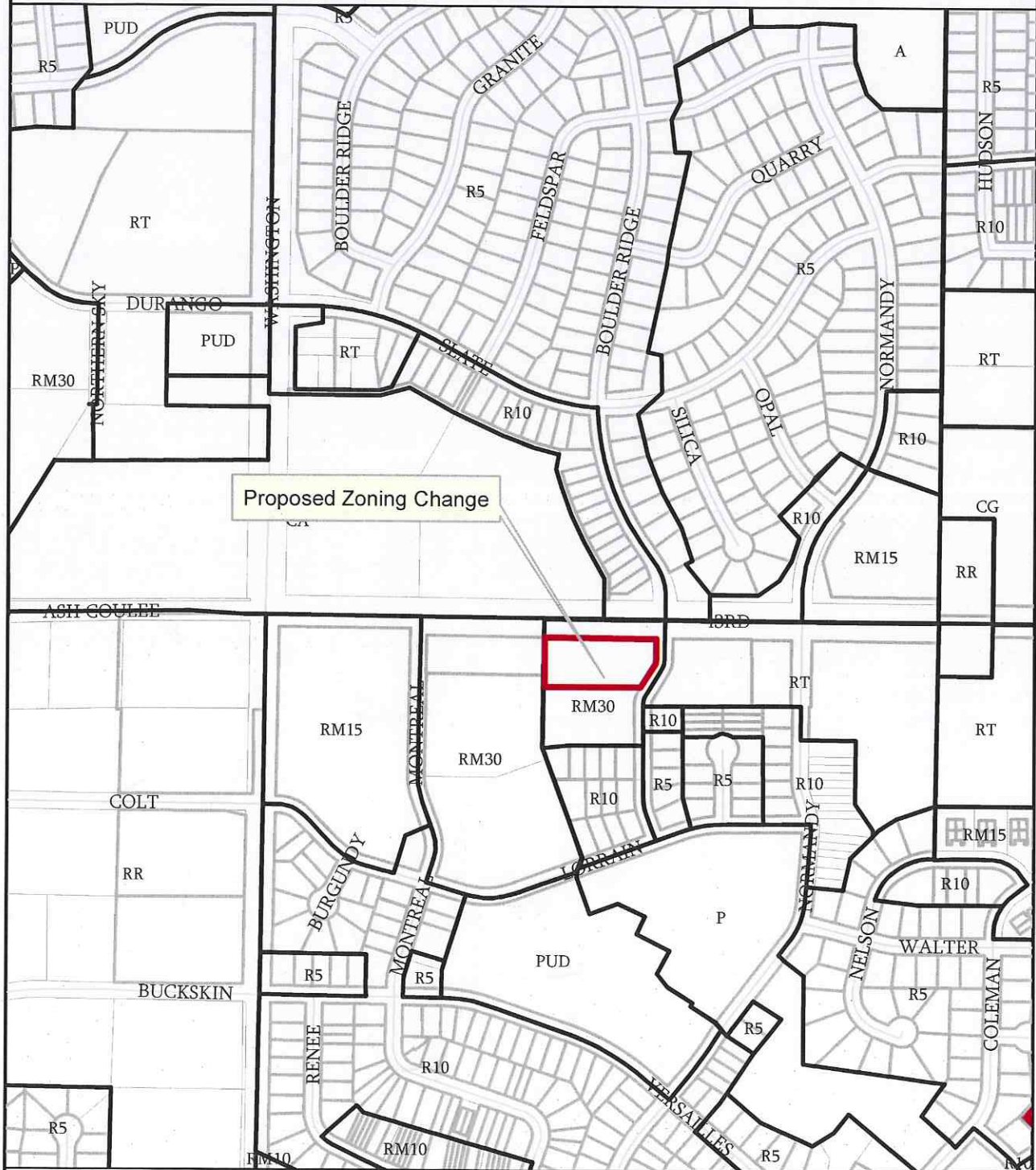
15. **Adjourn.** The next regular meeting date is scheduled for Wednesday, July 23, 2014.

Enclosures: Meeting Minutes of May 28, 2014
Building Permit Activity Report for May 2014

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: North 180 feet of Lot 1, Block 1, Kilber North Addition – Zoning Change (RM30 to RT)		
Status: Planning Commission – Consideration	Date: June 25, 2014	
Owner(s): Kilber Investments, LLC	Engineer: Swenson, Hagen & Co.	
Reason for Request: Rezone property to allow development of office uses on northern portion of previously platted lot.		
Location: Along the south side of 43 rd Avenue NE between Montreal Street and Boulder Ridge Road.		
Project Size: 1.77 acres	Number of Lots: Part of 1 lot in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
Zoning: RM30 – Residential	Land Use: Office uses	
Uses Allowed: RM30 – Multi-family residential	Zoning: RT – Residential	
Maximum Density Allowed: RM30 – 30 units/acre	Uses Allowed: RT – Offices and multi-family residential	
	Maximum Density Allowed: RT – 30 units/acre	
PROPERTY HISTORY:		
Zoned: 05/2012	Platted: 05/2012	Annexed: 05/2012
FINDINGS:		
<ol style="list-style-type: none"> 1. This area was not included in the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan because it was already platted and zoned. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include multi-family and institutional uses to the west, undeveloped RM30 – Residential zoned property to the south, developing office uses to the east and developing two-family residential and undeveloped CA-Commercial zoned property to the north across 43rd Avenue NE. 3. The property is already annexed and municipal services are in place; therefore, the proposed zoning change would not place an undue burden on public services and facilities. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 		
RECOMMENDATION:		
Based on the above findings, staff recommends scheduling a public hearing on the zoning change from the RM30 – Residential zoning district to the RT – Residential zoning district for the North 180 feet of Lot 1, Block 1, Kilber North Addition.		
/Klee		

Proposed Zoning Change (RM30 to RT) **The north 180 feet of Lot 1, Block 1, Kilber North Addition**

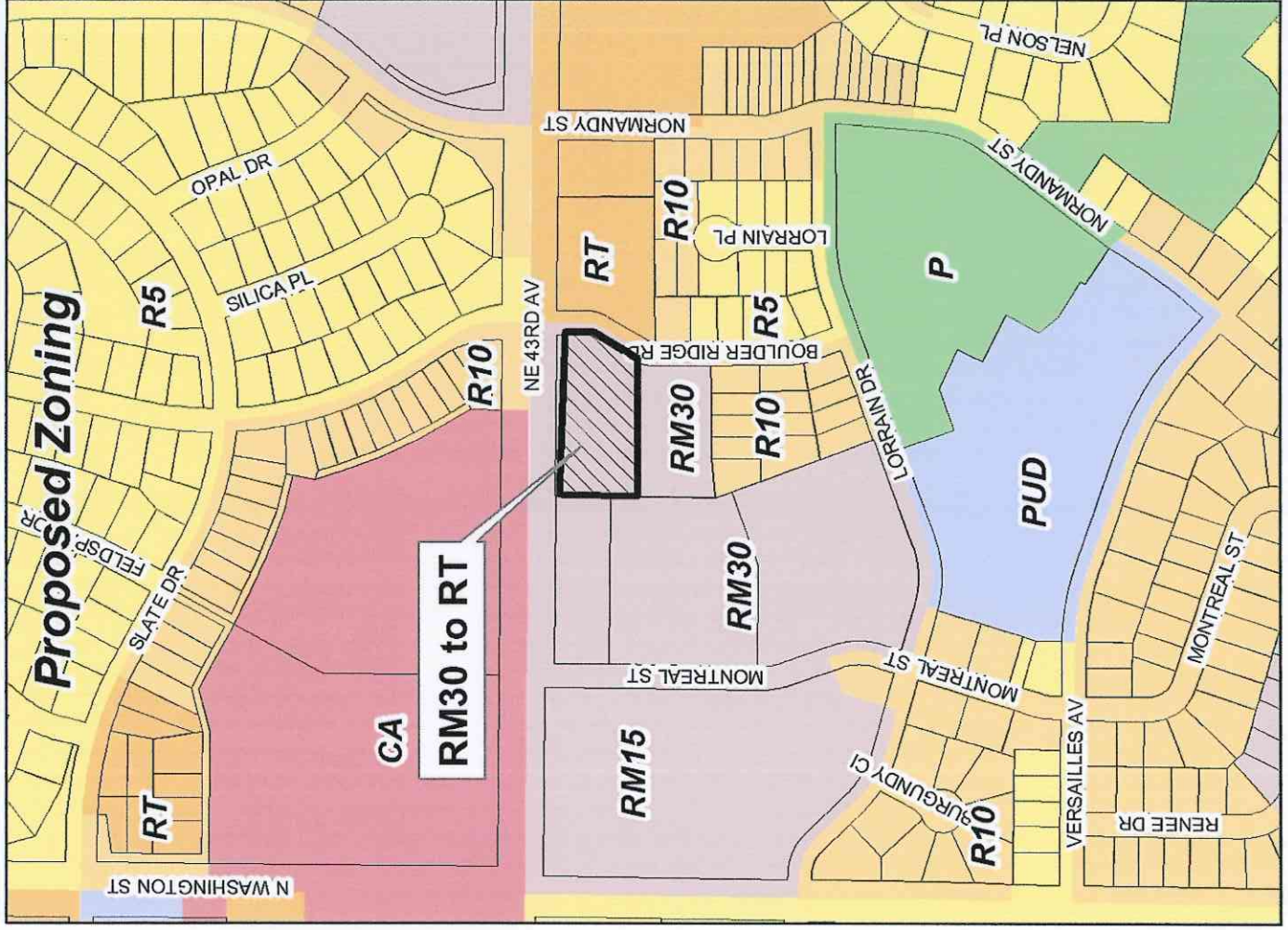
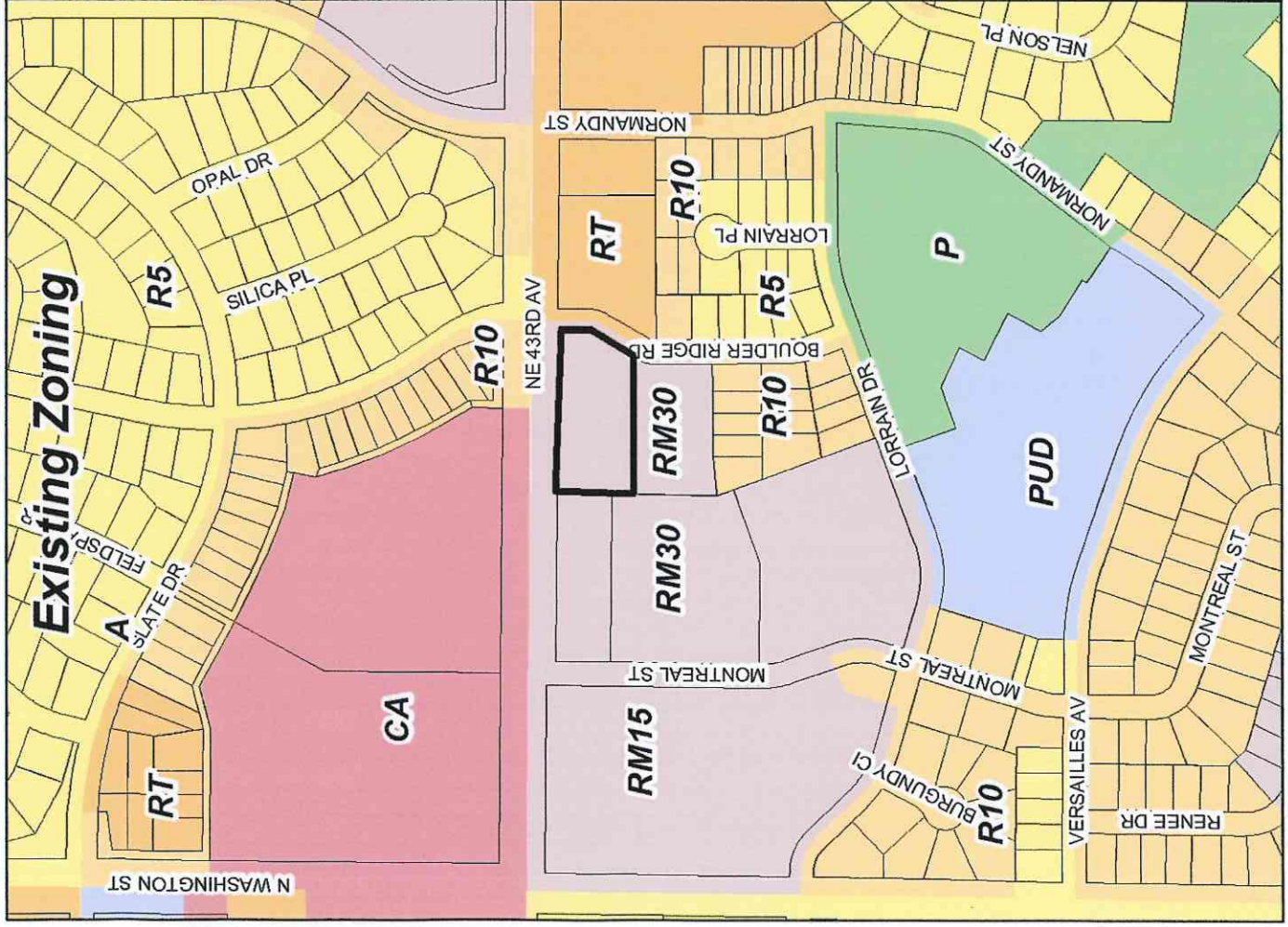


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
 Date: 5/27/2014(hlb)

Source: City of Bismarck

0 500 1,000 Feet

The North 180 feet of Lot 1, Block 1, Kilber North Addition - Zoning Change



BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Lots 1-3, Block 3, Edgewood Village Seventh Addition – Zoning Change (RM30 & P to PUD)		
Status: Planning Commission – Consideration	Date: June 25, 2014	
Owner(s): IRET Properties	Engineer: Lowry Engineering	
Reason for Request: To rezone the property to allow a 948-unit apartment complex with an 18,000 SF community center, a 2,000 SF fitness center, a conference room, indoor and outdoor swimming pools, management offices and other recreational fields/courts, playgrounds and walking trails.		
Location: In northeast Bismarck, along the south side of 43 rd Avenue NE, the east side of Nebraska Drive the north side of Calgary Avenue and the west side of Minnesota Drive.		
Project Size: 34.97 acres	Number of Lots: 3 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Vacant/Undeveloped	PROPOSED CONDITIONS:	
	Land Use: 948-unit apartment complex with a community center, recreational facilities and a management office	
Zoning: RM30 – Residential P - Public	Zoning: PUD – Planned Unit Development	
Uses Allowed: RM30 – Multi-family residential P – Public uses including parks/open space and storm water drainage and facilities	Uses Allowed: PUD – Uses specified in PUD	
Maximum Density Allowed: RM30 – 30 units per acre P – N/A	Maximum Density Allowed: PUD – Density as specified in PUD	
PROPERTY HISTORY:		
Zoned: 04/2013	Platted: 04/2013	Annexed: 04/2013
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. The proposed development would be constructed in phases. Based on the information provided by the applicant, each building would have two stories of underground parking and four stories of above-grade apartment units. The number of apartment units varies with each building; the proposed site plan indicates that the building with the fewest number of units would have 40 and the building with the highest number of units would be 92. 2. The property is divided into a northern portion and a southern portion by a natural drainageway (Lot 2). A storm water and drainage easement exists over the entire area of Lot 2. The developer is proposing to construct a private roadway that would cross the drainageway and connect the two halves of the development. 		
<i>(continued)</i>		

3. Planning staff has concerns with the mass, bulk and density of the proposed development. In particular, the concentration of large buildings may require additional screening or landscaping to help mitigate potential impacts to existing residential land uses. Planning staff will work with the developer to address this concern.
4. Planning staff also has concerns with the lack of architectural articulation of the buildings. Based on the proposed building elevations, it appears there is a limited variety of building materials and architectural details proposed for the structures. Planning staff will work with the developer to address this concern.
5. Planning staff is concerned about the potential for negative impacts created by lighting proposed for the development. Planning staff will also work with the developer to ensure that down-cast lighting is used in appropriate areas to help control the amount of ambient light shed from this site onto adjacent properties.
6. Planning staff recognizes the existing rural residential neighborhood across 43rd Avenue NE. The development of the rural properties began in the 1970s when very little development existed north of Interstate 94. It should be noted that 43rd Avenue NE has been classified as a major arterial roadway and will likely be built-out to an urban roadway section in the future. The existing right-of-way provided for 43rd Avenue NE would allow for a 5-lane roadway section similar to Century Avenue. At this time, the City of Bismarck has no intentions of annexing property within the rural subdivisions along the north side of 43rd Avenue NE and it is expected that the area to the north will remain rural residential into the foreseeable future.

FINDINGS:

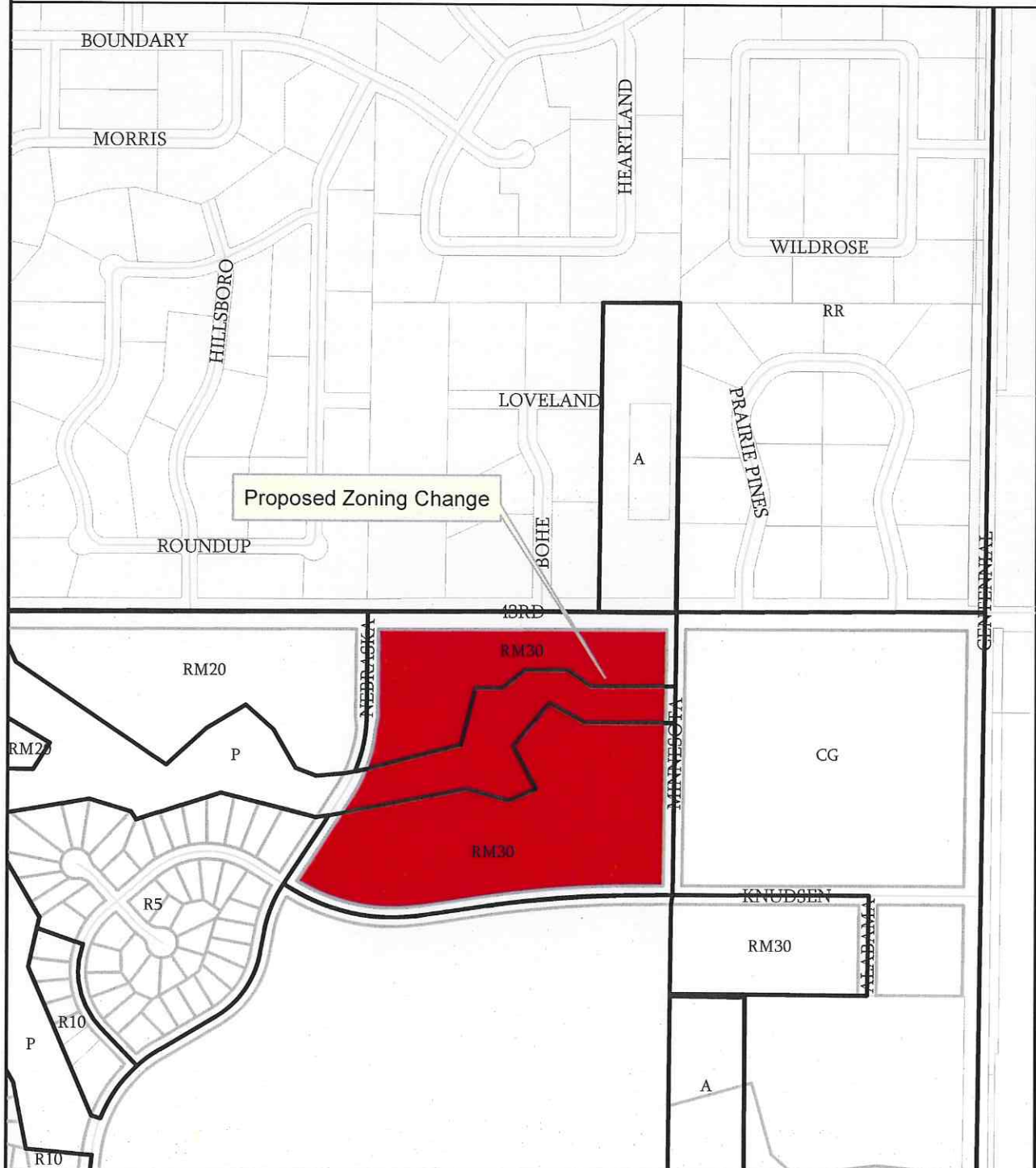
1. The proposed zoning change is consistent with the Future Land Use Plan (FLUP) in the Growth Management Plan. This area has been identified as high density residential with an open space/greenway running east-west through the property.
2. The proposed zoning change would be generally compatible with adjacent land uses. Adjacent land uses include Legacy High School to the south; undeveloped single and multi-family-zoned property to the west across Nebraska Drive, undeveloped commercially-zoned property to the east across Minnesota Drive and existing rural residential dwellings across 43rd Avenue NE to the north. By providing additional landscape plantings along the northern tier of the proposed development, potential incompatible land uses could be mitigated.
3. The property is already annexed; therefore the proposed zoning change would not place an undue burden on public services. In addition, a traffic impact study was completed for this area; adequate roadway facilities will be available to handle the traffic volumes projected for this development.
4. The proposed zoning change would not adversely affect property in the vicinity, provided additional landscape materials are provided along the north side of the proposed development adjacent to 43rd Ave NE.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends scheduling a public hearing on the zoning change request for Lots 1-3, Block 3, Edgewood Village 7th Addition from the RM30 – Residential and P – Public zoning districts to the PUD – Planned Unit Development zoning district.

/jt

Proposed Zoning Change (P & RM30 to PUD) Lots 1-3, Block 3, Edgewood Village 7th Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 5/27/2014 (hjb)

Source: City of Bismarck

0 550 1,100 Feet



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MAY 23 2013

May 22, 2014

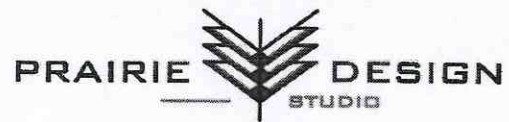
Creekside Crossing P.U.D. - Bismarck, N.D.

Owned by Edgewood Development Group, LLC -

Lots 1, 2, and 3 of Block 3, Edgewood Village 7th Addition

Our purpose in applying for the Planned Unit Development for Creekside Crossing is to fully utilize this scenic property with a design that promotes its natural landscape along with a unique and ageless design that will stand the test of time. In order to fulfill this design - we plan to achieve the following objectives:

- A. We plan to provide several choices of housing designs and styles.
- B. We want to maximize the use of the open spaces and recreation areas.
- C. We want to efficiently use the layout of the land resulting in a unique and open landscape.
- D. Our buildings are designed with two levels of underground parking which will reduce the amount of off street parking and allow for more green space.
- E. We want to fulfill Bismarck's need for higher end apartments.
- F. Our site contains 948 apartment units consisting of:
 - a. Efficiency Units
 - b. One Bedroom Units
 - c. One Bedroom Units w/ den
 - d. Two Bedroom Units
 - e. Two Bedroom Units w/ den
 - f. Three Bedroom Units
- G. Creekside Crossing will have many on site amenities for our tenants including one large Community Center (18,000 s.f.) at the main entrance to the development and several smaller community spaces available in other apartment buildings. The Main Community Center will offer:
 - a. Indoor Swimming Pool
 - b. Outdoor Swimming Pool
 - c. 2,000 s.f. Fitness Center
 - d. Conference Room
 - e. Pool tables
 - f. Kitchenette
 - g. Outdoor/Indoor Kitchen
 - h. Indoor Basketball Court (1/2 court)
 - i. Management Offices
- H. We will also include many other amenities around the property:
 - a. Sledding hill
 - b. Outdoor Basketball Courts (1/2 court)
 - c. Playgrounds
 - d. Walking trails



601 SHEYENNE STREET - HORACE, NORTH DAKOTA - 58047 PHONE: 701-282-2850 - EMAIL: prairiedesign@far.midco.net

A handwritten signature in black ink, appearing to read "Kim R. Stokes". The signature is fluid and cursive, with the first name "Kim" and last name "Stokes" clearly distinguishable.

Kim R. Stokes, Architect/President

Prairie Design Studio Ltd.

601 Sheyenne St.

Horace, ND 58047

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MAY 23 2014

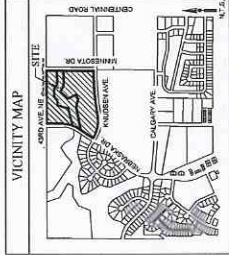
CREEKSIDE CROSSING

LOTS 1, 2 & 3-BLOCK 3 OF
EDGEWOOD VILLAGE 7TH ADDITION
BISMARCK, NORTH DAKOTA

OWNER
1400 J STREET, SUITE 60
MINOT, ND 58702
PH: 701-837-1739

CIVIL ENGINEER
LOWRY ENGINEERING
3330 PECHTNER DRIVE, SUITE 102
FARGO, ND 58103
PH: 701-335-1159

ARCHITECT
PRAIRIE DESIGN STUDIO
1000 1ST AVENUE, SUITE 100
BISMARCK, ND 58047
PH: 701-289-2850

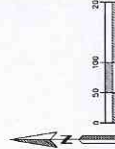


SITE STATISTICS		
SITE COVERAGE	AREA (SF)	AREA (AC)
BUILDING	332,285	22.1
PARKING & DRIVEWAYS	232,212	15.2
SEWER/STORM/STREET	95,502	6.3
TOTAL IMPERVIOUS	660,000	43.6
GREEN SPACE	931,194	64.6
TOTAL AREA	1,591,194	100
LAND USE		
EX. ZONING	LOT 1= RM/20	
	LOT 2= RM/20	
	LOT 3= RM/20	
PROPOSED ZONING: PLANNED UNIT DEVELOPMENT		
MINIMUM LOT AREA	25	
MINIMUM FRONT YIELD	25	
MINIMUM SIDE YIELD	25	
MINIMUM REAR YIELD	25	
MAX. BUILDING HEIGHT	70	
TOTAL PARKING REQUIRED		
288 1-BEDROOM UNITS (1.5 STALLS PER 1-BEDROOM)	432	
132 2-BEDROOM UNITS (2 STALLS PER 2-BEDROOM)	264	
132 3-OR 4-BEDROOM UNITS (2.5 STALLS PER 3-OR 4-BEDROOM)	330	
37,107 REQUIRED	1266	
MANICAP REQUIRED	22	
ADA ACCESSIBLE	4	
ADA VAN ACCESSIBLE	4	
PARKING PROVIDED		
9'x18'	272	
ADA ACCESSIBLE	13	
ADA VAN ACCESSIBLE	2	
INTERIOR	2	
ADA ACCESSIBLE	1,204	
ADA VAN ACCESSIBLE	9	
TOTAL PROVIDED	4	
DWELLING DENSITY & TYPE		
34.99 UNITS/ACRE		
34.99 UNITS/ACRE		
TOTAL UNITS PROPOSED	948	
DENSITY	427 UNITS/ACRE	
TYPE	MULTI-FAMILY DWELLING	

SHEET INDEX	
C-1 OVERALL PLOD SITE PLAN	
C-2 PHASE 1	
C-3 PHASE 2	
C-4 PHASE 3	
C-5 OVERALL PLOD LANDSCAPE PLAN	
C-6 PHASE 1 LANDSCAPE	
C-7 PHASE 2 LANDSCAPE	
C-8 PHASE 3 LANDSCAPE	
C-9 PLOD UTILITIES LAYOUT	

LEGEND	
UNDERGROUND PARKING CONNECTION	
FREE LAKE	
PHASE 1	
PHASE 2	
PHASE 3	

- NOTES:
1. FINISHED FLOOR ELEVATION OF OCCUPIED SPACE
 2. SEE PLOD FOR FLOOR ELEVATION OF OCCUPIED SPACE
 3. THE PROPOSED STRUCTURES WILL BE FOUR STORIES OF APARTMENTS WITH TWO STORIES OF UNDERGROUND PARKING DUE TO SITE TOPOGRAPHY AT NO POINT WILL A BUILDING BE EXPOSED TO AN EXTERIOR ROADWAY OVER 60' HEIGHT, AND AT NO POINT WILL INTERNAL EXPOSED BUILDING HEIGHT BE GREATER THAN 70'.



LEAD #	13006
PROJECT DATE	4/29/14
CHECKED BY	AJT
DRAWN BY	PMB
APPROVED BY	JAL
SHEET	

CREEKSIDE CROSSING
LOTS 1, 2 & 3-BLOCK 3 OF
EDGEWOOD VILLAGE 7TH ADDITION
BISMARCK, NORTH DAKOTA

LOWRY
ENGINEERING
3330 PECHTNER DRIVE - SUITE 102
FARGO, NORTH DAKOTA 58103

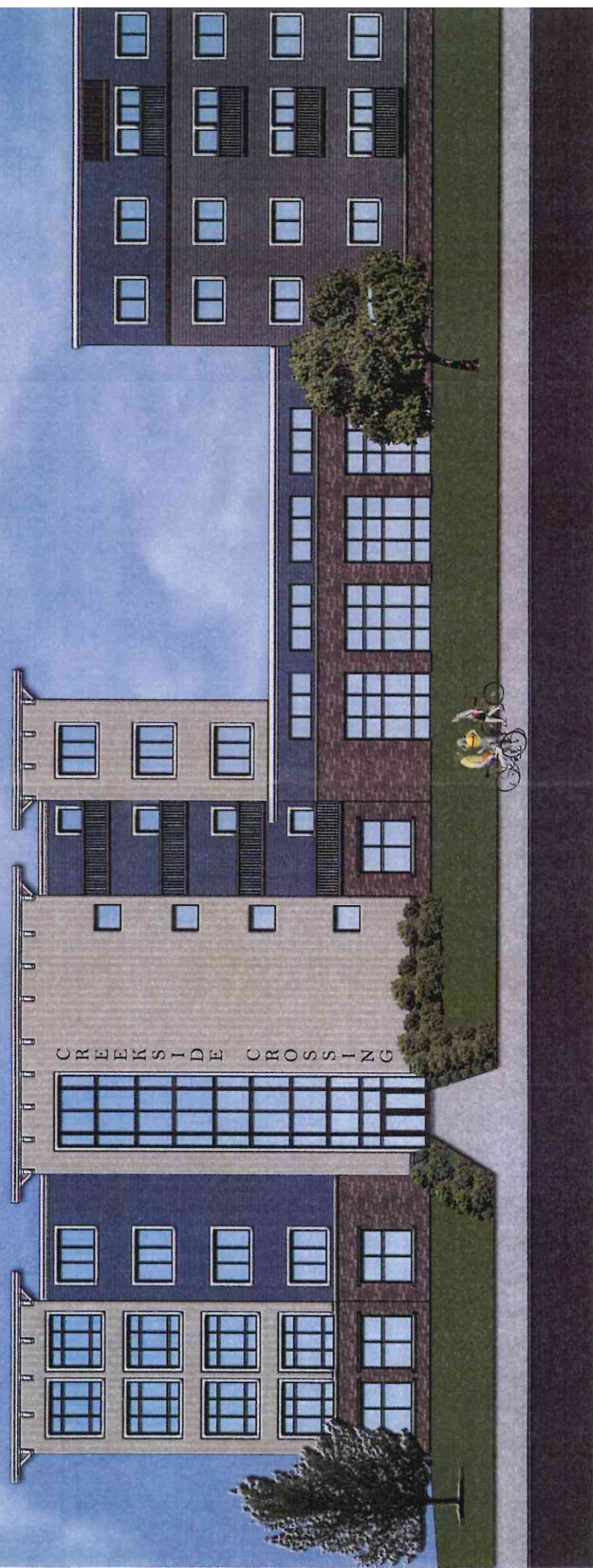
PRELIMINARY
NOT FOR
CONSTRUCTION

REVISIONS

OVERALL
PLOD
SITE PLAN

C-1

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MAY 23 2013



CREEKSIDE CROSSING
BISMARCK, N.D.

PRAIRIE DESIGN STUDIO
HORACE, N.D.

RECEIVED
MAY 23 1994



CREEKSIDE CROSSING
BISMARCK, N.D.

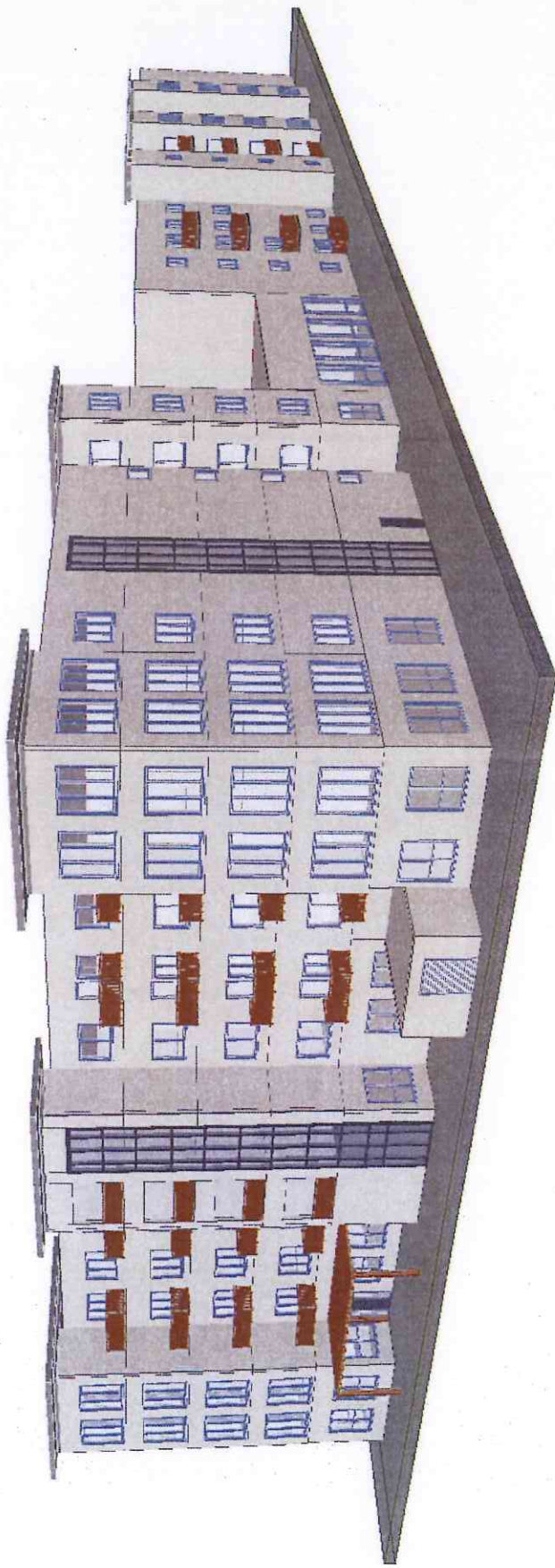
PRAIRIE DESIGN STUDIO
HORACE, N.D.

RECEIVED
MAY 23 2013



CREEKSIDE CROSSING
BISMARCK, N.D.

PRAIRIE DESIGN STUDIO
HORACE, N.D.



RECEIVED
MAY 23 2013

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:	
Title: University of Mary Subdivision – Zoning Change (A & RR to P)	
Status: Planning Commission – Public Hearing (cont.)	Date: June 25, 2014
Owner(s): University of Mary	Engineer: Swenson, Hagen & Co.
Reason for Request: Plat and rezone property for further development of university campus.	
Location: Along the west side of ND Highway 1804 approximately two miles south of 48 th Avenue SE (Government Lots 14, 15 & 16 of Section 34 and parts of Lots 4, 5, 6 & 7 of Rockstad Subdivision of the NW¼ of Section 35 and part of the SW¼ of Section 35, T138N-R80W/Lincoln Township, and part of Government Lot 1 of the NE¼ of Section 3 and part of Government Lot 4 of the NW¼ of Section 2, T137N-R80W/Fort Rice Township).	
Project Size: 203.24 acres	Number of Lots: 7 lots in 1 block
EXISTING CONDITIONS:	PROPOSED CONDITIONS:
Land Use: University campus	Land Use: University campus
Zoning: A – Agricultural RR - Residential	Zoning: P – Public
Uses Allowed: A – Agriculture RR – Rural residential	Uses Allowed: P – Public uses, including educational facilities
Maximum Density Allowed: A – One unit/40 acres RR – One unit/65,000sf	Maximum Density Allowed: P – No density indicated – dormitory and similar residential allowed in conjunction with educational facility
PROPERTY HISTORY:	
Zoned: 12/1976 (Sections 34 and 35)	Platted: 01/1981 (Rockstad Subdivision)
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. This request was continued at the April 23rd and May 28th Planning and Zoning Commission meetings to provide additional time to address issues raised by adjacent property owners. 2. Although the P-Public zoning district has historically been used only for lands owned by a public entity, staff is of the opinion that this district is the most appropriate for this property as the University of Mary is a quasi-public institution. The education use group, which includes a college campus, is also allowed as a permitted use in the RR-Residential zoning district. 	
FINDINGS:	
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies this area as a civic or public facility. 	
<i>(continued)</i>	

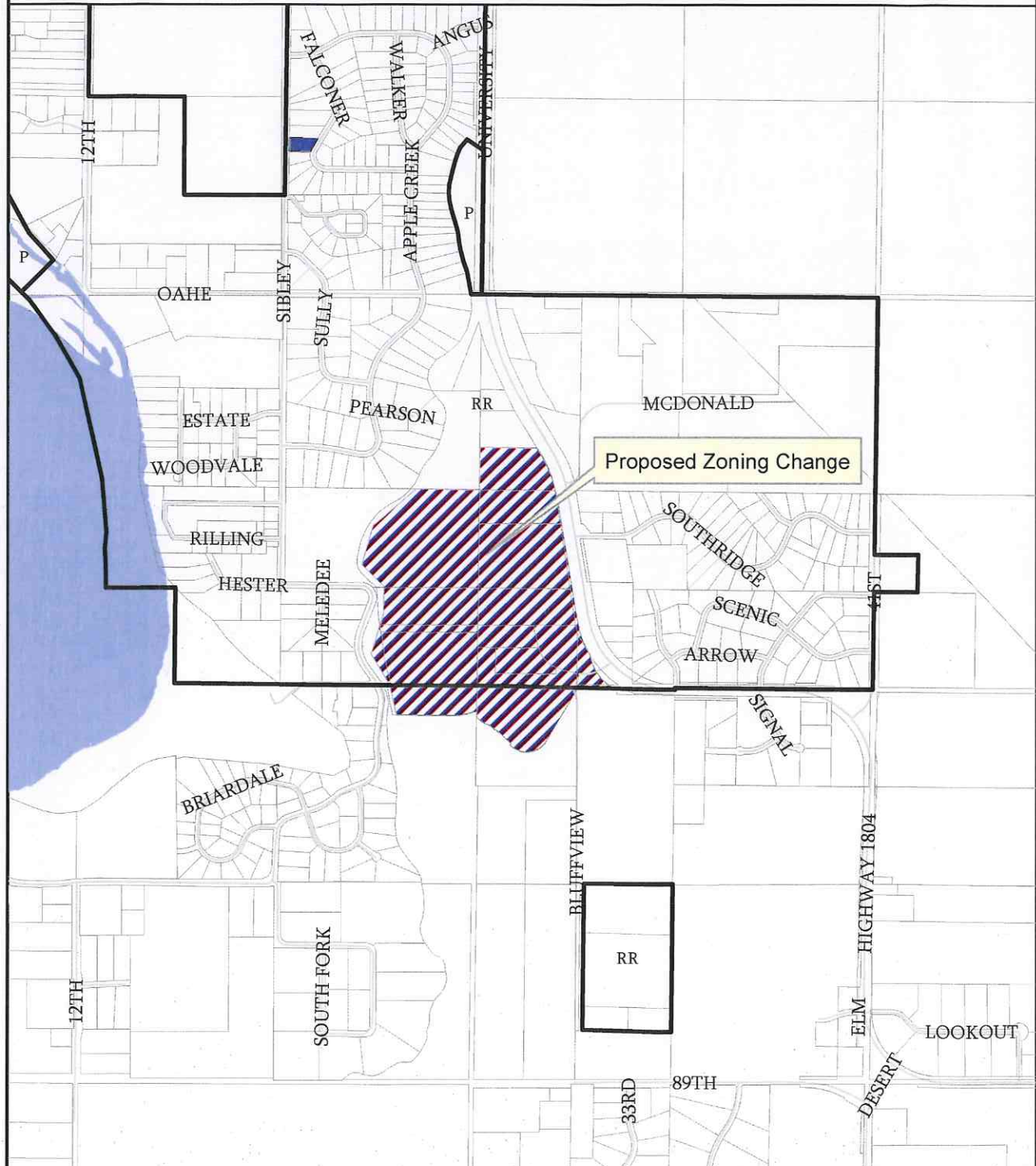
4. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include a combination of agricultural uses and rural residential to the north, east and south and to the west across Apple Creek. A 300-foot landscape buffer yard is being provided along the northern edge of the proposed plat to provide a visual and distance buffer between the campus and existing rural residential properties.
5. The property is already developed as a college campus and is served by municipal water via a contract with the City, a private on-site wastewater treatment system and has direct access to ND Highway 1804; therefore, the zoning change would not place an undue burden on public services and facilities.
6. The proposed zoning change would not adversely affect property in the vicinity.
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from A – Agricultural and RR – Residential zoning districts to the P – Public zoning district for University of Mary Subdivision.

/Klee

Proposed Plat and Zoning Change (A & RR to P) University of Mary Subdivision



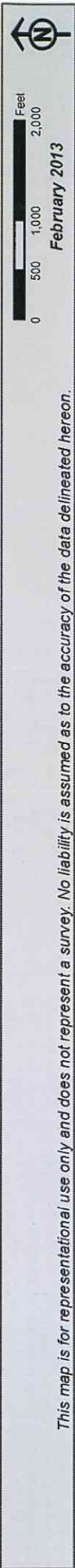
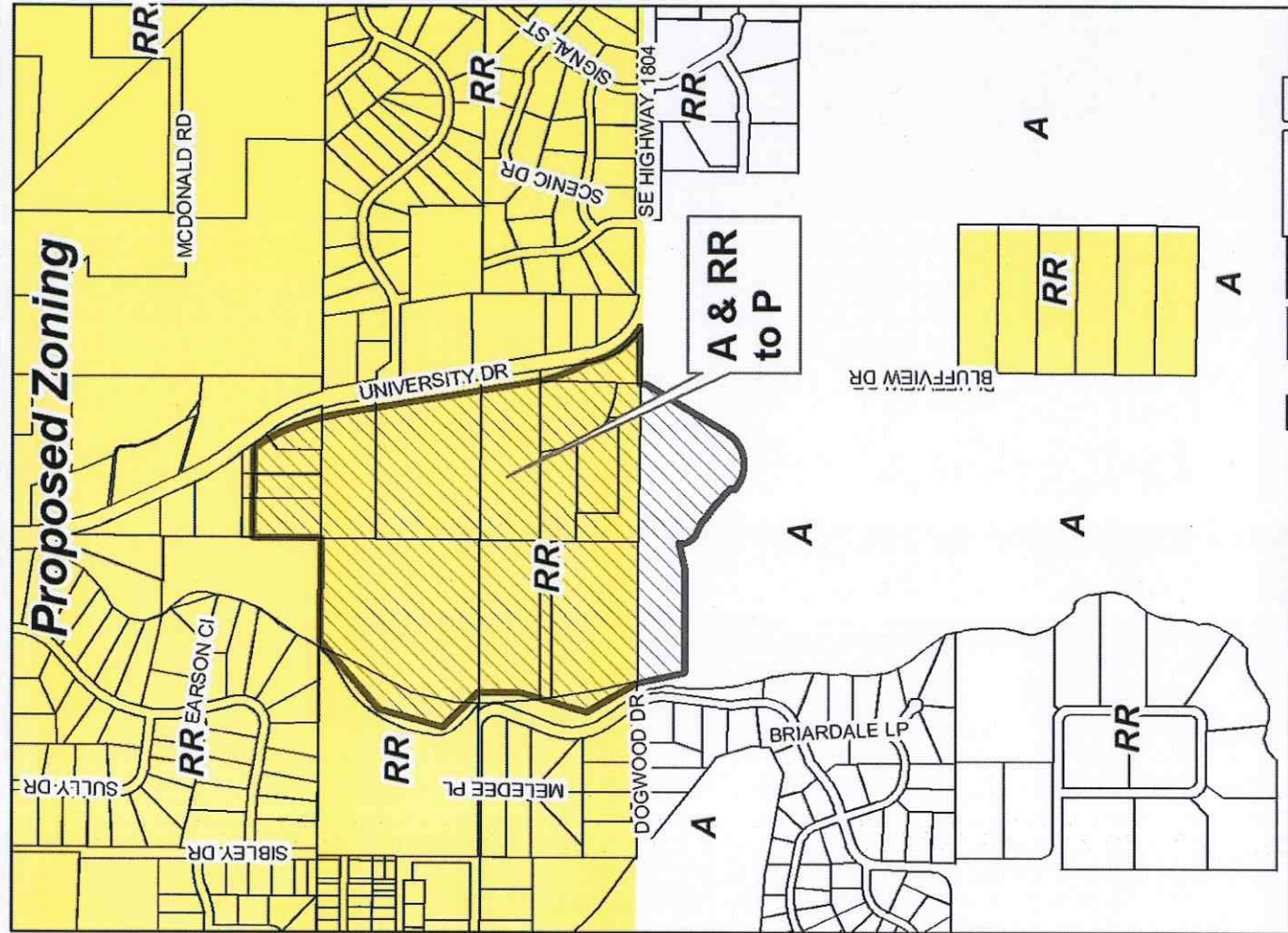
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 5/20/2014 (nlb)

Source: City of Bismarck

0 1,800 3,600
Feet



University of Mary Subdivision - Zoning Change



BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:	
Title: University of Mary Subdivision – Final Plat	
Status: Planning Commission – Public Hearing (cont.)	Date: June 25, 2014
Owner(s): University of Mary	Engineer: Swenson, Hagen & Co.
Reason for Request: Plat and rezone property for further development of university campus.	
Location: Along the west side of ND Highway 1804 approximately two miles south of 48 th Avenue SE (Government Lots 14, 15 & 16 of Section 34 and parts of Lots 4, 5, 6 & 7 of Rockstad Subdivision of the NW¼ of Section 35 and part of the SW¼ of Section 35, T138N-R80W/Lincoln Township, and part of Government Lot 1 of the NE¼ of Section 3 and part of Government Lot 4 of the NW¼ of Section 2, T137N-R80W/Fort Rice Township).	
Project Size: 203.24 acres	Number of Lots: 7 lots in 1 block
EXISTING CONDITIONS:	PROPOSED CONDITIONS:
Land Use: University campus	Land Use: University campus
Zoning: A – Agricultural RR – Residential	Zoning: P – Public
Uses Allowed: A – Agriculture RR – Rural residential	Uses Allowed: P – Public uses, including educational facilities
Maximum Density Allowed: A – One unit/40 acres RR – One unit/65,000sf	Maximum Density Allowed: P – No density indicated – dormitory and similar residential allowed in conjunction with educational facility
PROPERTY HISTORY:	
Zoned: 12/1976 (Sections 34 and 35)	Platted: 01/1981 (Rockstad Subdivision)
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. This request was continued at the April 23rd and May 28th Planning and Zoning Commission meeting to provide additional time to address issues raised by adjacent property owners. 2. The plat is being proposed at the request of the City to clean up the underlying legal description and allow further development of the University of Mary campus. 3. The plat has been modified since tentative approval of the preliminary plat. In particular, the area occupied by a pond and the University's lagoon system were removed from the plat. 4. The proposed plat is located within four sections. The proposed lot lines follow the quarter-section lines; however, the location of these lot lines bisects some of the existing buildings. In order to address this issue, all of the lots should be combined as one parcel by the County Auditor's Office when the plat is recorded. 	
(continued)	

5. There are section lines that pass through the proposed plat and some of the existing buildings within the proposed plat. These section lines were vacated by the Burleigh County Commission on December 16, 2013.
6. When the area that was platted as Rockstad Subdivision was acquired by the University of Mary in 2002, there was a verbal agreement between the University and the property owners to the north that this area would be used as a buffer area between the University and the rural residential parcels to the north, and that this area would not be developed as part of the University. The construction of the apartment-style dormitories on this parcel in 2012-2013 was seen by these property owners as a violation of this verbal agreement and they would like some assurance that additional development will not occur in this location.
7. The property owners to the northwest have requested the University of Mary to provide an access easement on the plat for the southern portion of their property. It is our understanding that the University has denied this request. These property owners are also concerned about encroachment of University uses up to their property line and would prefer that some type of buffer be maintained around the perimeter of the University property.
8. Planning staff had requested a no-build easement be added to the plat for the area north of the new apartment-style dormitories and below the top of the hill in an effort to provide a buffer area between the University use and the rural residential uses to the north. The landscape easement over the northern portion of Lot 1 has been increased from 200 feet to 300 feet, which will be close to the top of the hill. The property owners to the north would like to see a no build easement over all of the undeveloped property north of the road that provides access to the apartment-style dormitories.

FINDINGS:

1. The preliminary plat received tentative approval on February 27, 2013, with the understanding that the issues relating to the lot layout and the section lines are resolved prior to the submittal of the final plat. The size of the plat has been reduced since that time, with the area south of the main roadway through the campus being removed from the plat.
2. All technical requirements for approval of a final plat have been met.
3. The storm water management plan has been approved by the City Engineer, with written concurrence from the County Engineer.
4. The proposed subdivision generally conforms to the Fringe Area Road Master Plan for the area, which identifies ND Highway 1804 as an arterial roadway.
5. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include a combination of agricultural uses and rural residential to the north, east and south and to the west across Apple Creek.
4. The property is already developed as a college campus and is served by municipal water via a contract with the City, a private on-site wastewater treatment system and has direct access to ND Highway 1804; therefore, the proposed plat would not place an undue burden on public services and facilities.
6. The proposed subdivision would not adversely affect property in the vicinity.

(continued)

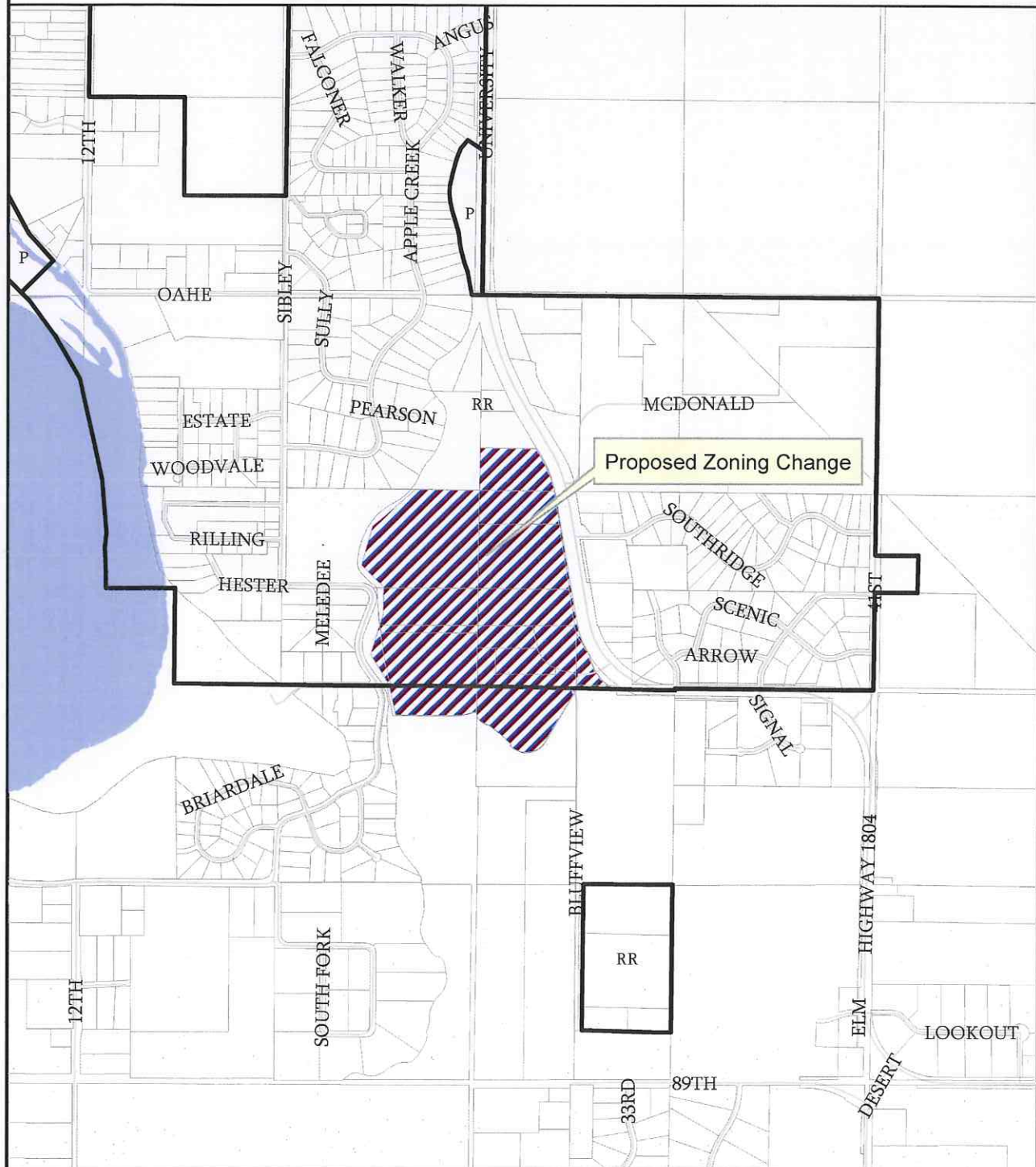
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
8. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval the final plat of the University of Mary Subdivision, with the understanding that a landscape plan for the 300-foot landscape easement will be submitted for City review and approval prior to any additional building permits being issued for the property, and that all of the lots will all be administratively combined as one parcel by the County Auditor's Office when the plat is recorded to eliminate property lines from bisecting existing buildings.

/Klee

Proposed Plat and Zoning Change (A & RR to P) University of Mary Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 4/16/2014 (h/b)

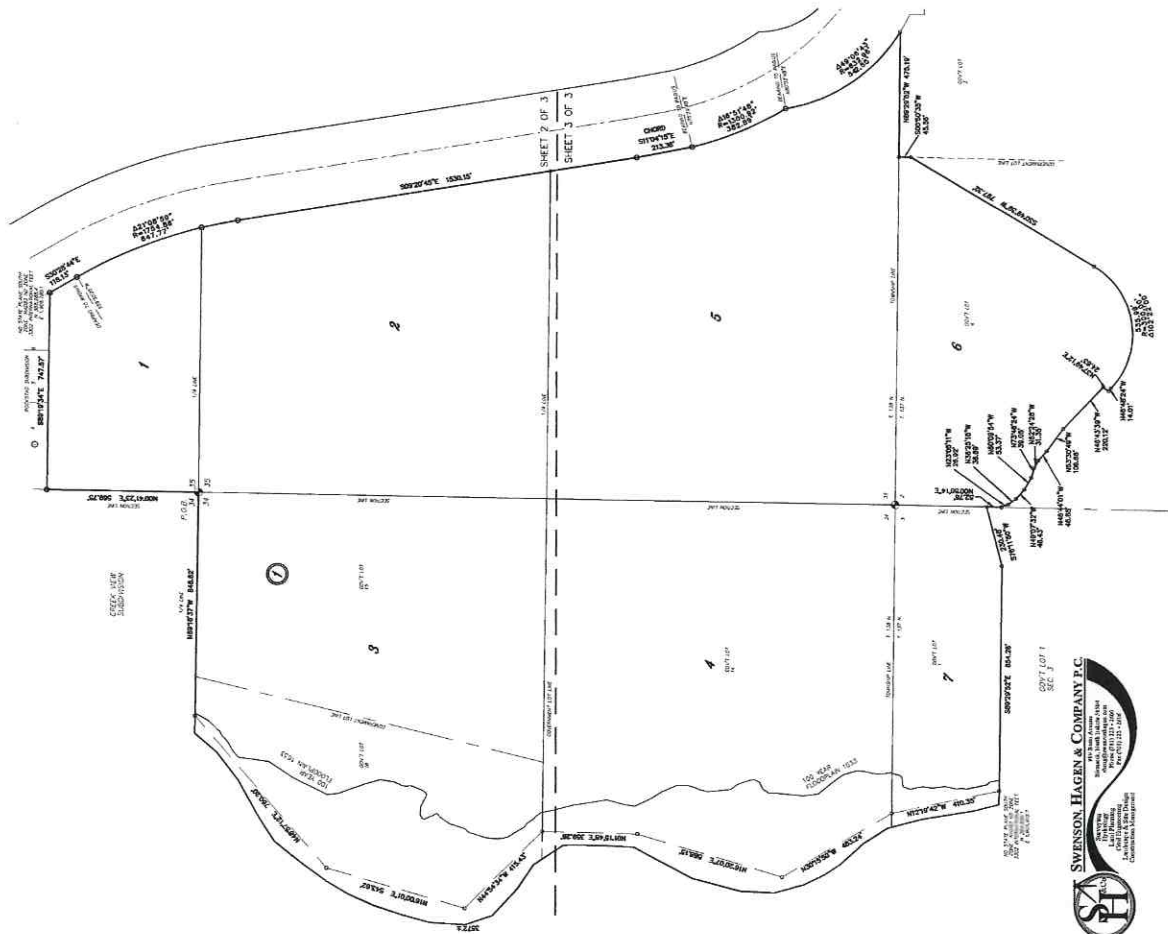
Source: City of Bismarck

0 1,800 3,600
Feet



GOVERNMENT LOTS 34, 35 & 16 OF THE SE 1/4 OF SECTION 34 AND PARTS OF LOTS 3, 5, 6 AND 7 OF ROCKSTAD SUBDIVISION OF THE NW 1/4 OF SECTION 35 & PART OF THE SW 1/4 OF SECTION 35, T. 138 N., R. 80 W. AND PART OF GOVERNMENT LOT 1 OF THE NE 1/4 OF SECTION 3, AND PART OF GOVERNMENT LOT 4 OF THE NW 1/4 OF SECTION 2, T. 137 N., R. 80 W.

*BISMARCK, BURLEIGH COUNTY
NORTH DAKOTA*



SWENSON, HAGEN & COMPANY P.C.
 10000 130th Avenue
 Minneapolis, MN 55438
 612/536-1000
 Fax 612/536-1001
 E-mail: shc@shcpc.com
 Web: www.shcpc.com

SWENSON
 HIRSH
 LARSEN
 LUND
 PLANTING
 CO.
 14000 130th Avenue
 Minneapolis, MN 55438
 612/536-1000
 Fax 612/536-1001
 E-mail: shc@shcpc.com
 Web: www.shcpc.com

Page 1 of 3

DESCRIPTION
CONJUGANT LOTS 14, 15 & 16 OF THE SW 1/4 OF SECTION 34 AND PARTS OF LOTS 4, 5, 6 AND 7 OF SECTION 35, T. 137 N., R. 80 W., BEAUMONT, BURLINGHAM COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

[illegible]

SURVIVOR'S CERTIFICATE

1. TERRY BALTER, A PROFESSIONAL LAND SURVIVOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEKED FLAT IS A TRUE COPY OF THE MOILES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON FEBRUARY 6, 2013. THAT ALL INFORMATION SHOWN HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREIN ARE CORRECT, THAT ALL UNRECORDED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONS AND ACRES ARE DETAIL ARE CORRECT.

ON 04 MAY OF 2013, BEFORE HE PERSONALLY APPEARED TERRY BATZLER, KNOWN TO ME TO BE THE PERSON ACCUSED OF AND WHO EXITED THE FORENSIC SUPPORTS CERTIFICATE AND HE

SAFARI, WARD 4, CO. P.C.
609 MAIN AVENUE
ESSEX, UTAH 84010

TERRY BATZLER, JAMES BAYLOR
N.D. REGISTRATION NO. 20395

DAVID PATIENCE, NOTARY PUBLIC
BURLINGHAM COUNTY, NORTH CAROLINA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BEAVERCREEK, ON THE _____ DAY OF _____, 2013, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BEAVERCREEK AND REGULATIONS ADOPTED BY THE BEAVERCREEK PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND CLERK OF THE PLANNING COMMISSION OF THE CITY OF BEAVERCREEK.

WAYNE LEE YOUNG - CHAIRMAN

CARL D. HODGENTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on the annexed plat. It has accepted the dedication of all streets therein. It has approved the grounds as shown on the annexed plat as an amendment to the master plan of the City of Bismarck, North Dakota, and does hereby vacate any previous platting of said lands.

ANNEXED TO THE ORDINANCE OF THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, PASSED BY RESOLUTION APPROVED THE _____ DAY OF _____, 2013.

APPROVAL OF CITY ENGINEER

I, MELVIN J. RULLINGER, CITY ENGINEER OF THE CITY OF BISMARK, NORTH DAKOTA, HEREBY APPROVE
UNIVERSITY OF MARY SUBDIVISION", BISMARK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAN.

OWNERS CERTIFICATE & DEDICATION

[illegible]

STATE OF NORTH DAKOTA) ss.

COUNTY OF _____ }

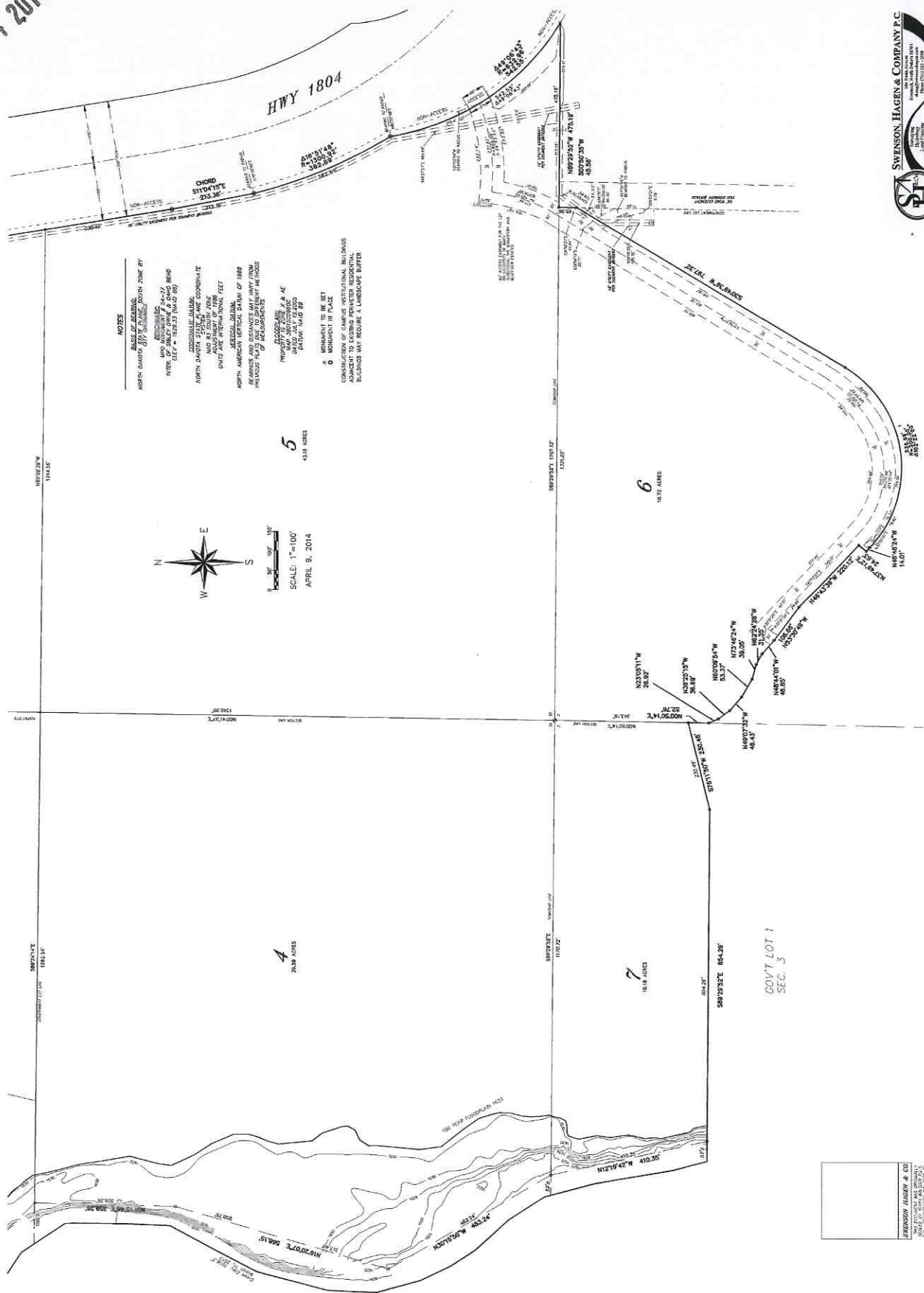
ON THIS _____ DAY OF _____, 2013, BEFORE ME PERSONALLY APPEARED MARK STEPHENS, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

NOTARY PUBLIC
COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES

GOVERNMENT LOTS 14, 15 & 16 OF THE SE 1/4 OF SECTION 34 AND PARTS OF LOTS 4, 5, 6 AND 7 OF ROCKSTAD SUBDIVISION OF THE NW 1/4 OF SECTION 35 & PART OF THE SW 1/4 OF SECTION 35, T. 138 N., R. 80 W. AND PART OF GOVERNMENT LOT 1 OF THE NE 1/4 OF SECTION 3, AND PART OF GOVERNMENT LOT 4 OF THE NW 1/4 OF SECTION 2, T. 137 N., R. 80 W.,

*BISMARCK, BURLEIGH COUNTY
NORTH DAKOTA*

MAY 14 2014



SWENSON, HAGEN & COMPANY P.C.
One Park Avenue
Bismarck, North Dakota 58101
405.223.2233
Fax 701.223.2068

Services:
Surveying
Hydrology
Land Clearing
Civil Engineering
Land Use Planning

UNIVERSITY OF MARY SUBDIVISION

LOTS 13 AND 14 OF THE SE 1/4
SECTION 34, T. 138 N., R. 80 W.

PART OF THE SW 1/4

SECTION 35, T. 138 N., R. 80 W.

PART OF LOT 1 OF THE NE 1/4

SECTION 3, T. 137 N., R. 80 W.

LOT 3 AND PART OF LOT 4 AND THE SOUTH 1/2 OF THE NW 1/4

SECTION 2, T. 137 N., R. 80 W.

BURLEIGH COUNTY, NORTH DAKOTA

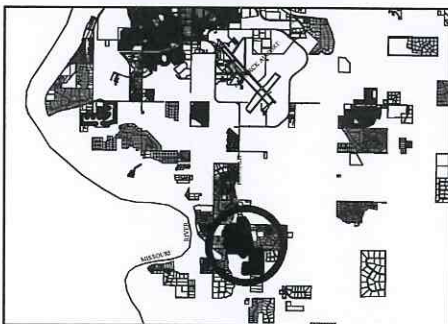
UNIVERSITY OF MARY
MARK STEPHENS
7500 UNIVERSITY DRIVE
BISMARCK, ND 58504
701-255-7500

308 ACRES
EXISTING ZONING - RR
PROPOSED ZONING - RR
12 LOTS

THE PROPERTY IS LOCATED IN FLOOD
ZONE X AND FLOOD ZONE AE AS STATED
ON FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NO. 38015C0960C
DATED JULY 19, 2005.

FLOODPLAIN INFORMATION
FLOODPLAIN ELEV. 1632.1 - NGVD 29
FLOODPLAIN ELEV. 1633.4 - NAVD 88

LOCATION MAP



NW 1/4 Sec. 2

SE 1/4 NW 1/4 Sec. 2

12

11

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Inland Addition – Zoning Change (RM30 to RT)		
Status: Planning Commission – Public Hearing	Date: June 25, 2014	
Owner(s): Mary Nordstrom (owner) Inland Oil & Gas Corporation (applicant)	Engineer: Swenson, Hagen & Co.	
Reason for Request: To plat and rezone property for a new office building.		
Location: In south Bismarck along the south side of Riverwood Drive west of South Washington Street (part of the NE¼ of Section 8, T138N-R80W/Lincoln Township).		
Project Size: 2.14 acres +/-	Number of Lots: 2 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Retail clothing store (Lot 1) Undeveloped (Lot 2)	PROPOSED CONDITIONS:	
	Land Use: Retail clothing store (Lot 1) Office building (Lot 2)	
Zoning: RM30 – Residential	Zoning: RT – Residential	
Uses Allowed: Multi-family dwellings	Uses Allowed: Multi-family dwellings and office uses	
Maximum Density Allowed: 30 units per acre	Maximum Density Allowed: 30 units per acre	
PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: N/A	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. There is an existing commercial use on the proposed Lot 1, Block 1. A commercial use is not a permitted use in the RM or RT zoning districts; however, the use of the existing facility as a commercial use will be allowed to continue and is considered a pre-existing non-conforming use that is allowed to operate at this location. Expansion of the non-conforming commercial use will not be permitted. 2. Access to the site will be limited to one access point along Riverwood Drive. The appropriate location will be determined during the site plan review process. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed subdivision is outside the boundaries of the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan. 2. The proposed subdivision would generally be compatible with adjacent land uses. Adjacent land uses include multi-family residential to the south and west, West Bismarck Expressway to the north and a single-family dwelling to the east. A landscape buffer yard would be required along the east property line, adjacent to the single-family land, when Lot 2 is developed. 		
<i>(continued)</i>		

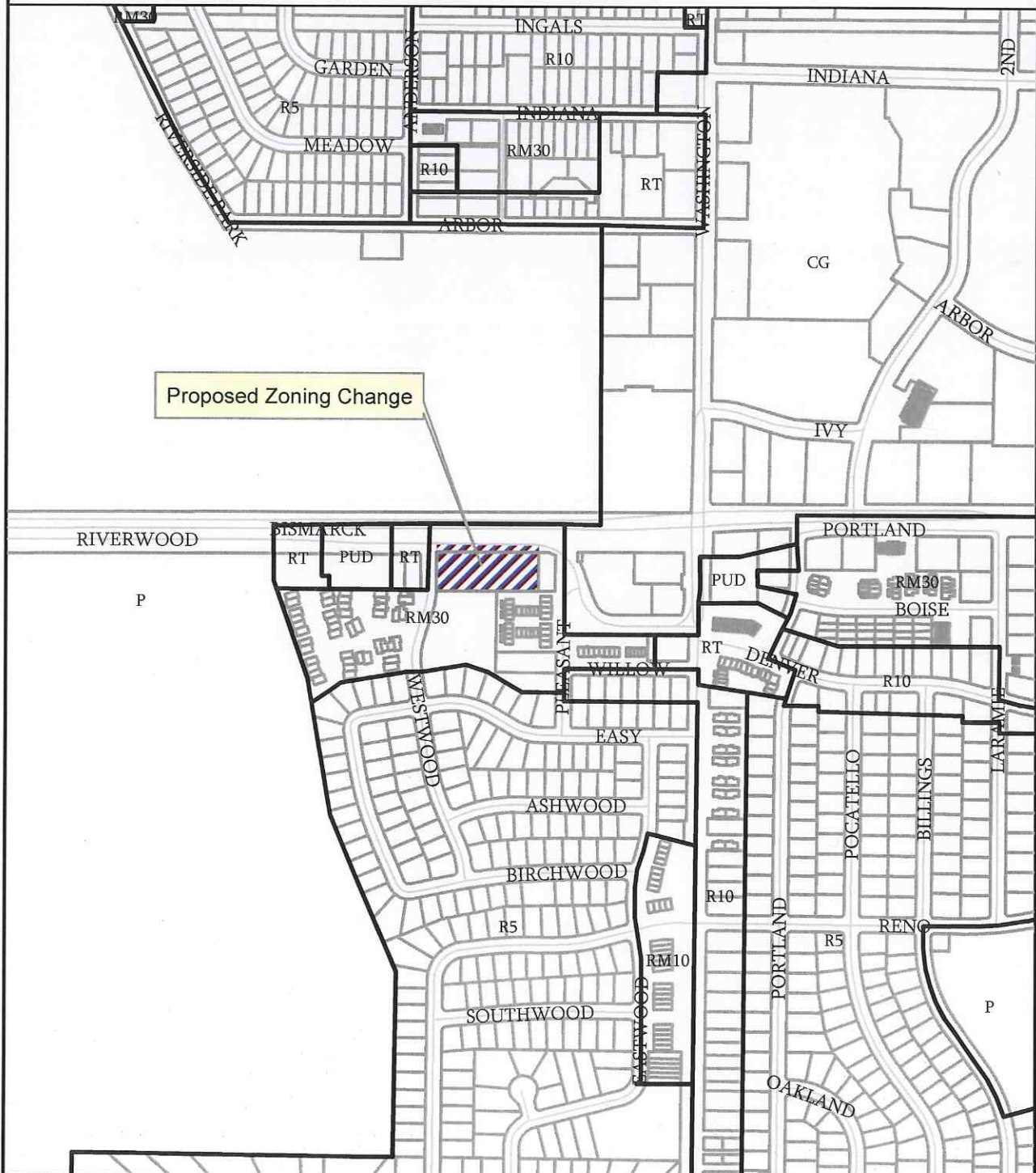
3. The property is already annexed; therefore the proposed subdivision would not place an undue burden on public services.
4. The proposed zoning change would not have an adverse impact on property in the vicinity.
5. The proposed zoning is consistent with the general intent and purpose of the zoning ordinance.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the RM30 – Residential zoning district to the RT – Residential zoning district for Inland Addition.

/jt

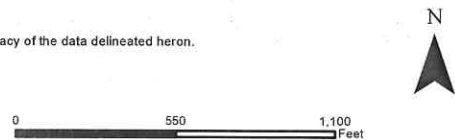
Proposed Zoning Change (RM30 to RT) Inland Addition



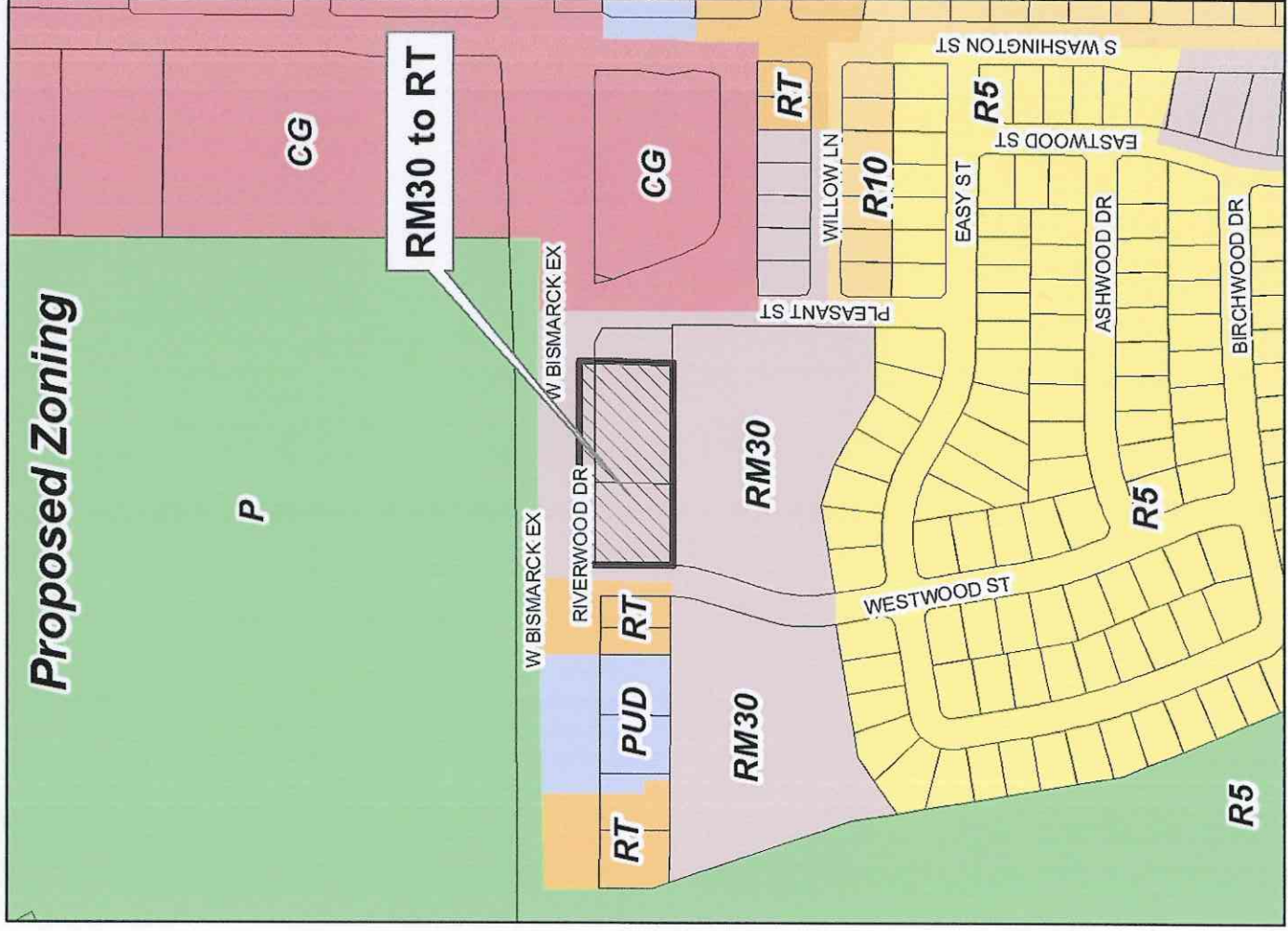
Proposed Zoning Change

DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 4/28/2014(hlb)

Source: City of Bismarck



Inland Addition - Zoning Change



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Inland Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: June 25, 2014	
Owner(s): Mary Nordstrom (owner) Inland Oil & Gas Corporation (applicant)	Engineer: Swenson, Hagen & Co.	
Reason for Request: To plat and rezone property for a new office building.		
Location: In south Bismarck, along the south side of Riverwood Drive west of South Washington Street (part of the NE¼ of Section 8, T138N-R80W/Lincoln Township).		
Project Size: 2.0 acres +/-	Number of Lots: 2 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Retail clothing store (Lot 1) Undeveloped (Lot 2)	PROPOSED CONDITIONS:	
	Land Use: Retail clothing store (Lot 1) Office building (Lot 2)	
Zoning: RM30 – Residential	Zoning: RT – Residential	
Uses Allowed: Multi-family dwellings	Uses Allowed: Multi-family dwellings and office uses	
Maximum Density Allowed: 30 units per acre	Maximum Density Allowed: 30 units per acre	
PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: N/A	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. There is an existing commercial use on the proposed Lot 1, Block 1. A commercial use is not a permitted use in the RM or RT zoning districts; however, the use of the existing facility as a commercial use will be allowed to continue and is considered a pre-existing non-conforming use that is allowed to operate at this location. Expansion of the non-conforming commercial use will not be permitted. 2. Access to the site will be limited to one access point along Riverwood Drive. The appropriate location will be determined during the site plan review process. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for consideration of a final plat have been met. 2. The storm water management plan has been approved by the City Engineer. 3. The proposed subdivision is outside the boundaries of the Fringe Area Road Master Plan. 		

(continued)

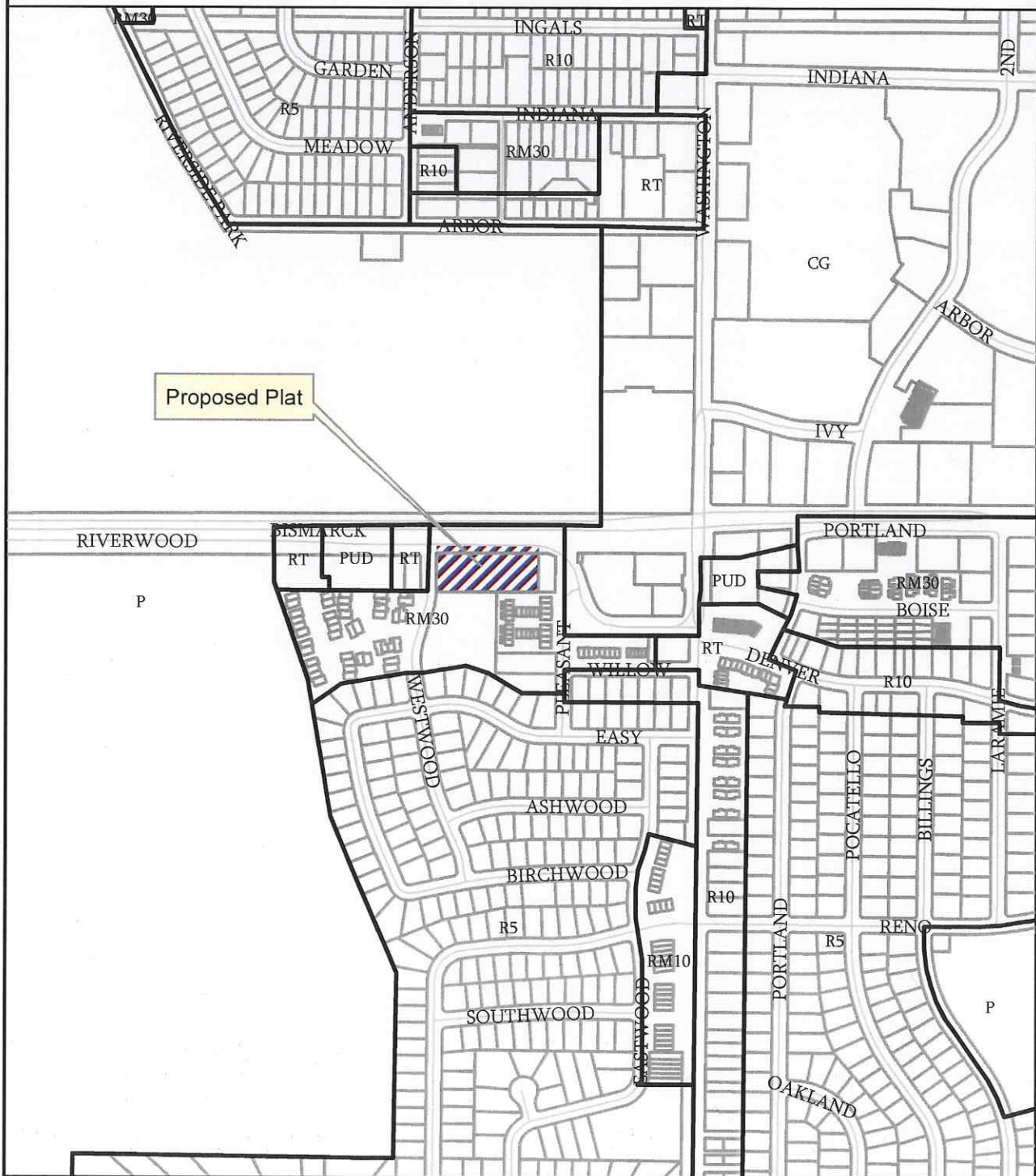
4. The proposed subdivision would generally be compatible with adjacent land uses. Adjacent land uses include multi-family residential to the south and west, West Bismarck Expressway to the north and a single-family dwelling to the east. A landscape buffer yard would be required along the east property line, adjacent to the single-family land, when the property is developed.
5. The property is already annexed; therefore the proposed subdivision would not place an undue burden on public services.
6. The proposed subdivision would not have an adverse impact on property in the vicinity.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat for Inland Addition.

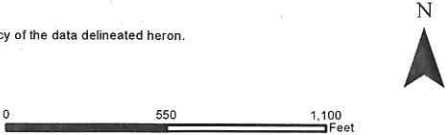
/jt

Proposed Plat Inland Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 4/28/2014(hlb)

Source: City of Bismarck



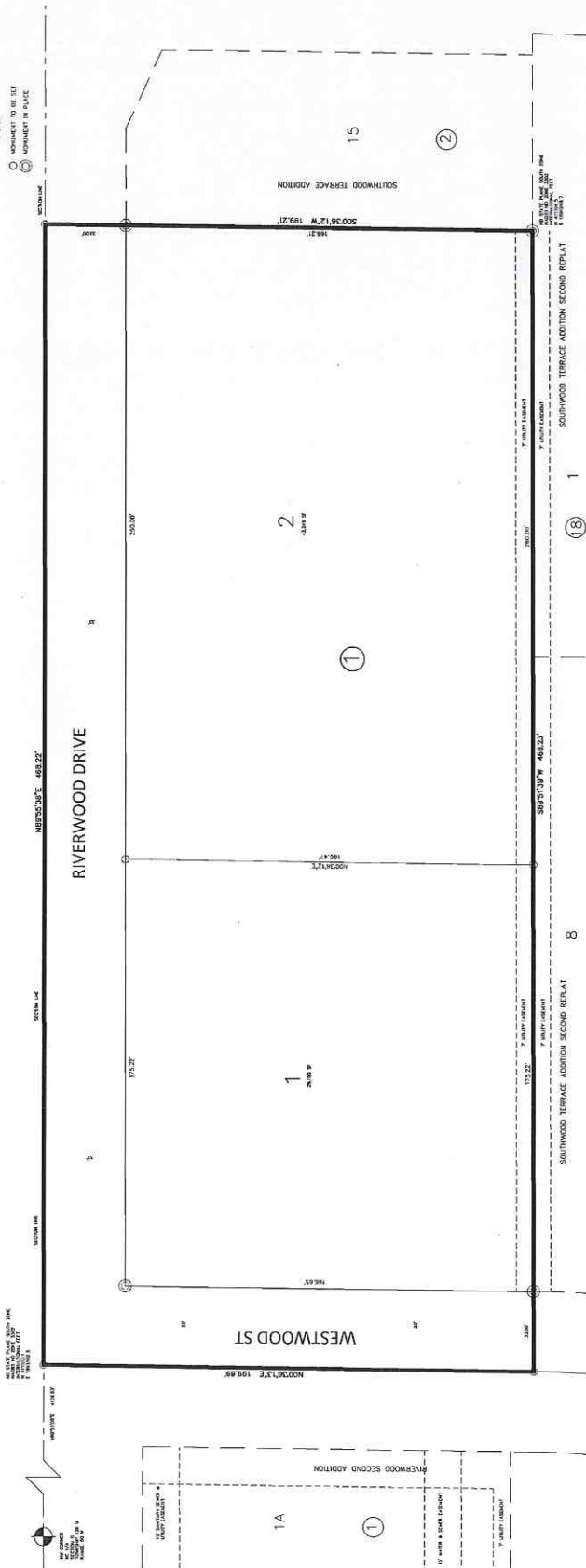
PART OF THE NORTHEAST 1/4
OF SECTION 8, T. 138 N., R. 80 W.

BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA



SCALE: 1"=20'
MAY 23, 2014

MOV 29

[illegible]

MATTHEW STERN, A REGISTERED LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND WAS COMPLETED ON _____ THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEOMETRIC DETAILS ARE CORRECT.

309 BASIN AVENUE
BISMARCK, NORTH DAKOTA
58504
MATTHEW STERN
REGISTERED LAND SUPERVISOR
N.D. REGISTRATION NO. 0299

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED MATTHEW STERN, _____, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2018

THE SUGGESTION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, ON THE _____, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE GRAND PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

[illegible]

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE RE-DISTRIBUTION OF LAND AS SHOWN ON THE ANNEXED PLAT. HAS ACCEPTED THE DEDICATION OF ALL STREETS AND ALLEYS THEREON. HAS APPROVED THE GRADUOS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

ATTEST: THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE RE-DISTRIBUTION APPROVED, THIS 20TH DAY OF SEPTEMBER, 1954.

ATTEST
W. C. WICKEN - CITY ADMINISTRATOR

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE
 AND ADDITION* BISMARCK, NORTH DAKOTA AS SHOWN ON THE JOINED PLAT.

STATE OF NORTH DAKOTA) ss
COUNTY OF BENDIGO)

MELVIN J. DULLINGER
CITY ENGINEER

THEY ALSO DENIGATE CASINOS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRICITY, TELEPHONE, AND WATER. THEY ALSO DENIGATE CASINOS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRICITY, TELEPHONE, AND WATER. THEY ALSO DENIGATE CASINOS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRICITY, TELEPHONE, AND WATER.

LYNN MOSER, PRESIDENT
INLAND OIL & GAS CORPORATION
OWNER, LOT 2, BLOCK 1
PO BOX 1312
BISMARCK, ND 58502

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED YVON MONSIE, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
BY COMMISSION EXPIRES

MARY NORDSTROM
OWNER, LOT 1, BLOCK 1
S.W. BRISTOLWOOD DR

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED MARY NORDSTROM, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE, AND SHE ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
BY COMMISSION EXPIRES

BASIS OF BEARING:
N3 STATE PLANE, SOUTH ZONE

BENCHMARK.

Received October 24, 1973
 (in final form December 11, 1973)

AREA		
LOTS	72.422 S.F.	156 AC. ±
STREET	20.351 S.F.	0.48 AC. ±

SWENSON, HAGEN & COMPANY P.C.

SH & Co
Surveying
Hydrology
Land Planning
Civil Engineering
Landscaping & Site Design
Construction Management

997 E. Main Avenue
Hawthorn, North Dakota 58041
shc@shandco.com
Phone (701) 213-2666
Fax (701) 213-2666



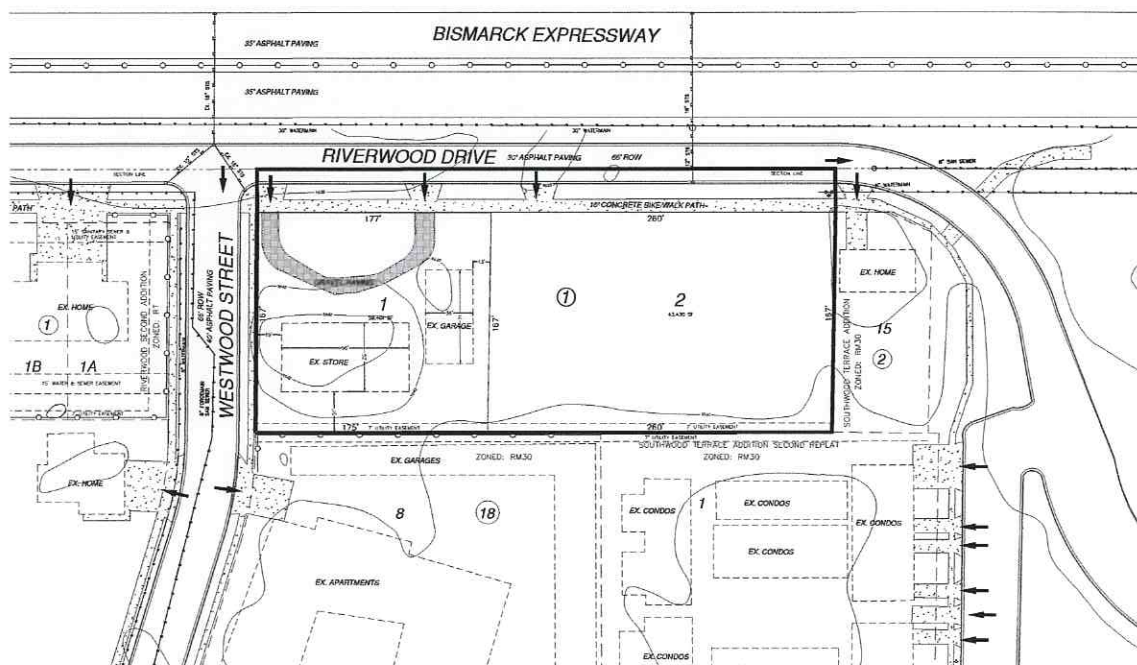
SCALE - 1"=40'
0 20 40 60
APRIL 19, 2014
HAYD DB

MAY 14 2014

INLAND ADDITION

PART OF THE NORTHEAST 1/4
OF SECTION 8, T. 138 N., R. 80 W.

BISMARCK, NORTH DAKOTA



LOCATION MAP

OWNER:
MARY NORDSTROM
505 RIVERWOOD DR
BISMARCK, ND 58504

DEVELOPER:
INLAND OIL & GAS CORP.
711 RIVERWOOD DR
BISMARCK, ND 58504
701 255 1416

2.00 ACRES
EXISTING ZONING: RM 30
PROPOSED ZONING: RT
2 LOTS



**BISMARCK COMMUNITY & DEVELOPMENT DEPARTMENT
STAFF REPORT**

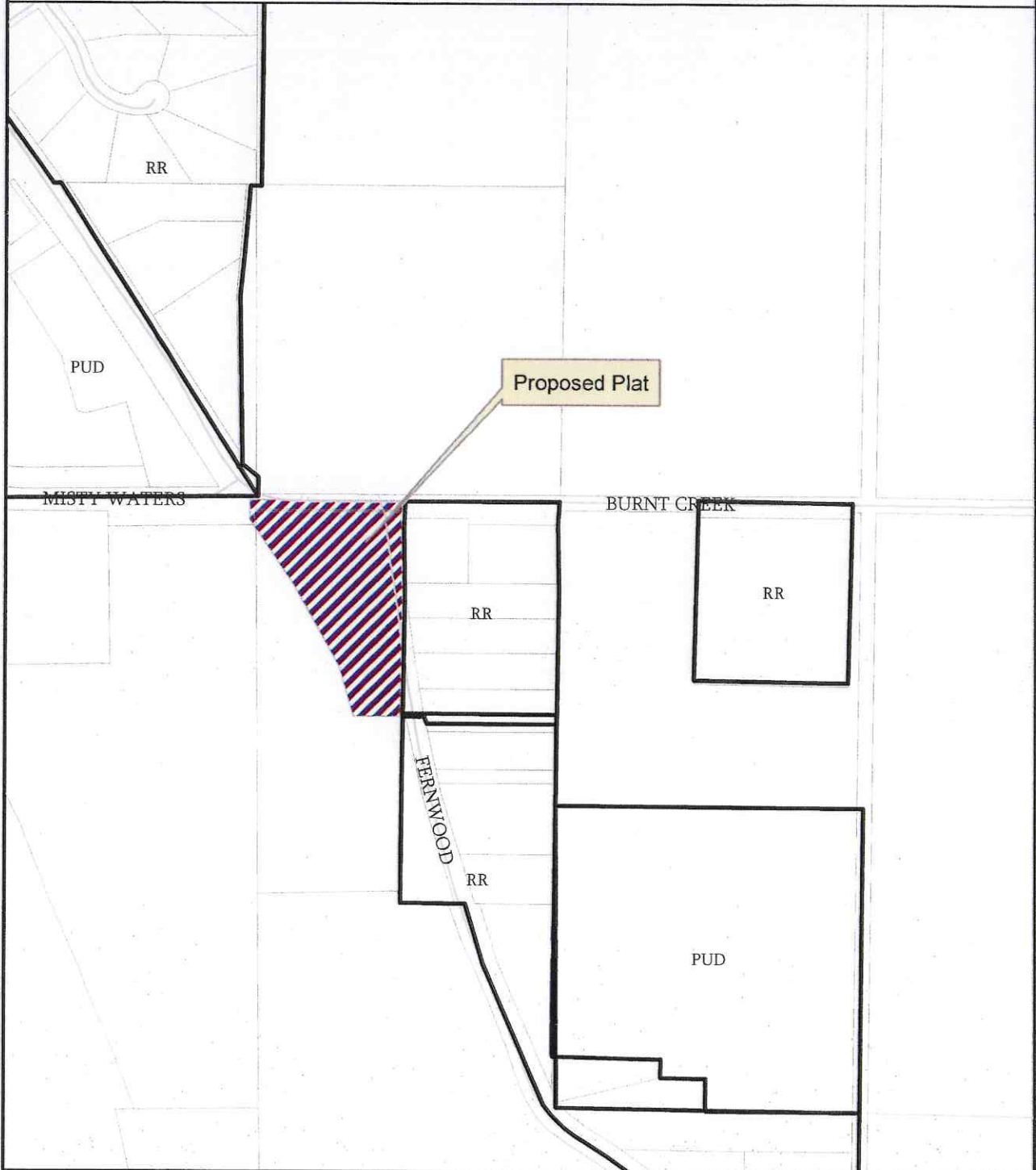
BACKGROUND:	
Title: Fernwood Second Subdivision – Zoning Change (A to RR)	
Status: Planning Commission – Public Hearing	Date: June 25, 2014
Owner(s): Marlys Ward	Engineer: Swenson, Hagen & Co.
Reason for Request: Plat and zone property to allow development of a single-family rural residential subdivision.	
Location: Northwest of Bismarck, along the west side of Fernwood Drive and the south side of Burnt Creek Loop (part of the NE 1/4 of Section 14, T139N-R80W/ Hay Creek Township).	
Project Size: 8.51 acres	Number of Lots: 3 lots in 1 block
EXISTING CONDITIONS:	
Land Use: Rural residential and Agriculture	PROPOSED CONDITIONS:
Zoning: A – Agriculture	Land Use: Rural Residential
Uses Allowed: Agriculture	Zoning: RR – Residential
Maximum Density Allowed: One unit/40 acres	Uses Allowed: Rural residential & limited agriculture
	Maximum Density Allowed: One unit/65,000 square feet
PROPERTY HISTORY:	
Zoned: N/A	Platted: N/A
FINDINGS:	
<ol style="list-style-type: none"> 1. The proposed zoning change would be consistent with the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan, which identifies the future use of this area as rural residential. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include rural residential to the east, rural residential and agriculture to the south, agriculture to the west and north, and rural residential and a partially developed PUD-Planned Unit Development zoned property (Misty Waters) to the northwest. 3. The subdivision proposed for this property would be served by South Central Regional Water District and would have direct access to Fernwood Drive; therefore the proposed zoning change would not place an undue burden on public services. 4. The proposed zoning change would not adversely affect property in the vicinity. 5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice. 	

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the A-Agricultural zoning district to the RR-Residential zoning district for Fernwood Second Subdivision.

/JW

Proposed Plat & Zoning Change (A to RR) Fernwood Second Subdivision



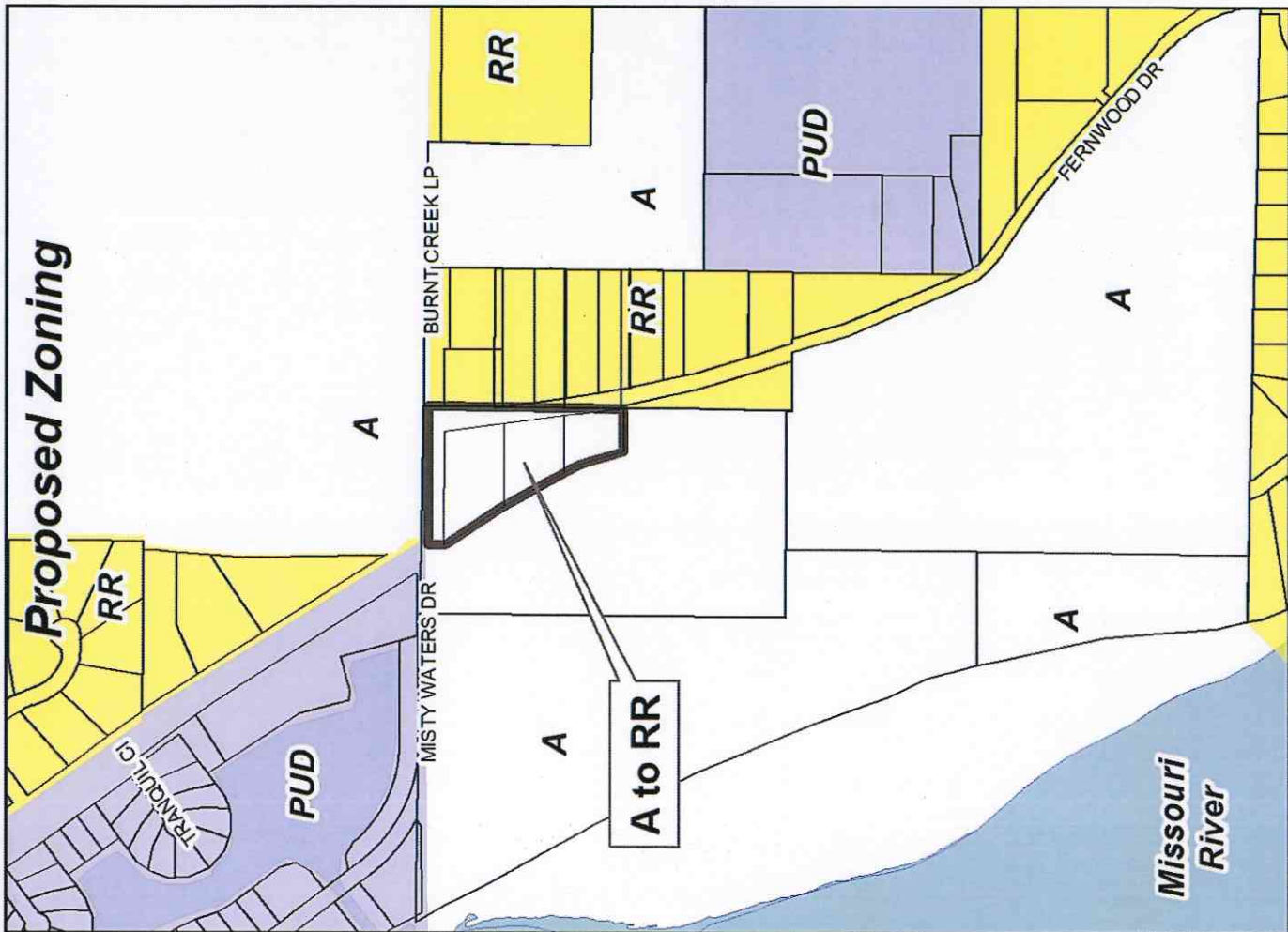
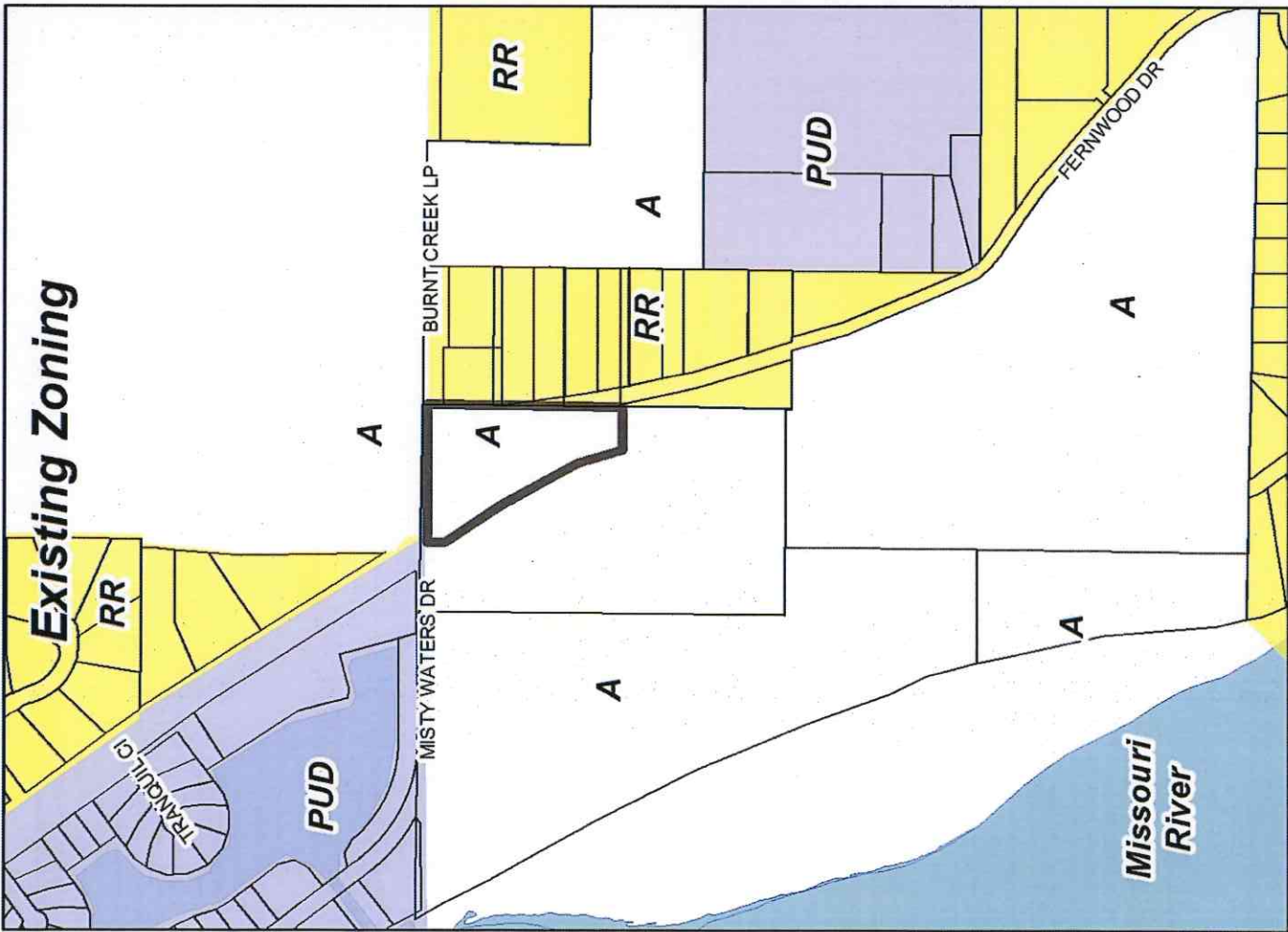
DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 4/14/2014 (hlb)

Source: City of Bismarck

0 550 1,100
Feet



Fernwood 2nd Subdivision - Zoning Change



April 2014

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:	
Title: Fernwood Second Subdivision – Final Plat	
Status: Planning Commission – Public Hearing	Date: June 25, 2014
Owner(s): Marlys Ward	Engineer: Swenson, Hagen & Co.
Reason for Request: Plat and zone property to allow development of a single-family rural residential subdivision..	
Location: Northwest of Bismarck, along the west side if Fernwood Drive and the south side of Burnt Creek Loop. (part of the NE 1/4 of Section 14, T139N-R80W/ Hay Creek Township).	
Project Size: 8.51 acres	Number of Lots: 3 lots in 1 block
EXISTING CONDITIONS:	
Land Use: Rural residential and Agriculture	Land Use: Rural residential
Zoning: A – Agriculture	Zoning: RR – Residential
Uses Allowed: Agriculture	Uses Allowed: Rural residential & limited agriculture
Maximum Density Allowed: One unit per 40 acres	Maximum Density Allowed: One unit per 65,000 square feet
PROPERTY HISTORY:	
Zoned: N/A	Platted: N/A
ADDITIONAL INFORMATION:	
<ol style="list-style-type: none"> 1. The Hay Creek Board of Township Supervisors has approved three access points for the proposed subdivision and has requested that these access points be placed adjacent to the existing joint access points located to the east across Fernwood Drive in Fernwood Subdivision. 	
FINDINGS:	
<ol style="list-style-type: none"> 1. The preliminary plat was tentatively approved on April 23, 2014. 2. All technical requirements for consideration of a final plat have been met. 3. The stormwater management plan has been approved by the City Engineer, with written concurrence from the Burleigh County Engineer. 4. The proposed subdivision is generally consistent with the Fringe Area Road Master Plan for this area, which identifies both Fernwood Drive and Burnt Creek Loop as arterial roadways. 5. The proposed subdivision would be compatible with adjacent land uses; adjacent land uses include rural residential to the east, rural residential and agriculture to the south, agriculture to the west and north, and rural residential and a partially developed PUD-Planned Unit Development zoned property (Misty Waters) to the northwest. 	

(continued)

6. The property would be served by South Central Regional Water District and would have direct access to Fernwood Drive; therefore the proposed subdivision would not place an undue burden on public services.
7. The proposed subdivision would not adversely affect property in the vicinity.
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends tentative approval of the final plat for Fernwood Second Subdivision with the following condition:

1. The three approved access points for the proposed subdivision be placed adjacent to the existing joint access points located to the east across Fernwood Drive in Fernwood Subdivision.

Proposed Plat & Zoning Change (A to RR) Fernwood Second Subdivision



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 4/14/2014 (hlb)

Source: City of Bismarck

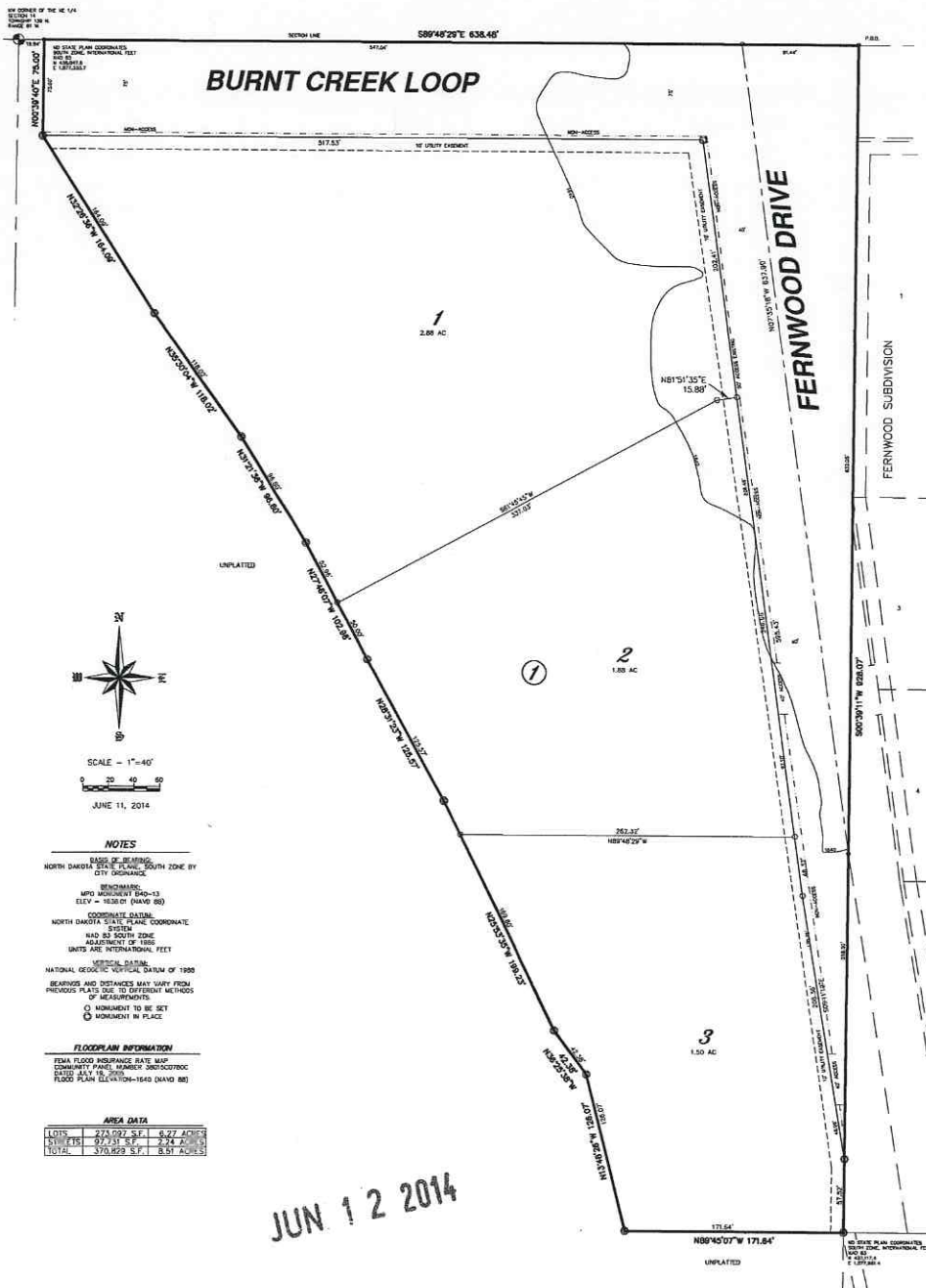
0 550 1,100
Feet



FERNWOOD SECOND SUBDIVISION

PART OF THE NORTHEAST 1/4
OF SECTION 14, T. 139 N., R. 81 W.

BURLEIGH COUNTY, NORTH DAKOTA



DESCRIPTION

PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH
PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF FERNWOOD SUBDIVISION, THENCE SOUTH 00 DEGREES 39
MINUTES 11 SECONDS WEST, ALONG THE WEST LINE OF SAID FERNWOOD SUBDIVISION, A DISTANCE OF 928.57
FEET, TO THE SOUTHWEST CORNER OF SAID FERNWOOD SUBDIVISION, THENCE NORTH 89 DEGREES 45 MINUTES
07 SECONDS WEST, A DISTANCE OF 171.64 FEET, THENCE NORTH 19 DEGREES 48 MINUTES 38 SECONDS WEST,
A DISTANCE OF 125.07 FEET, THENCE NORTH 36 DEGREES 25 MINUTES 38 SECONDS WEST, A DISTANCE OF
42.38 FEET, THENCE NORTH 30 DEGREES 53 MINUTES 38 SECONDS WEST, A DISTANCE OF 188.23 FEET,
THENCE NORTH 28 DEGREES 31 MINUTES 23 SECONDS WEST, A DISTANCE OF 125.57 FEET, THENCE NORTH 27
DEGREES 48 MINUTES 07 SECONDS WEST, A DISTANCE OF 102.59 FEET, THENCE NORTH 31 DEGREES 21
MINUTES 36 SECONDS WEST, A DISTANCE OF 96.80 FEET, THENCE NORTH 35 DEGREES 30 MINUTES 04
SECONDS WEST, A DISTANCE OF 118.62 FEET, THENCE NORTH 32 DEGREES 28 MINUTES 38 SECONDS WEST, A
DISTANCE OF 154.08 FEET, THENCE NORTH 00 DEGREES 39 MINUTES 40 SECONDS EAST, PARALLEL WITH WEST LINE
OF SAID NORTHWEST 1/4, A DISTANCE OF 75.00 FEET, TO THE NORTH LINE OF SAID NORTHWEST 1/4, THENCE
SOUTH 89 DEGREES 48 MINUTES 28 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 624.48 FEET, TO
THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 8.51 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MATTHEW M. STERN, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY
CERTIFY THAT THE JUNCED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY
SUPERVISION AND COMPLETED ON _____ DAY OF _____, 2014, THAT ALL INFORMATION SHOWN HEREON IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT,
THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEODEIC DETAILS ARE
CORRECT.

STATE OF NORTH DAKOTA } SS
COUNTY OF BURLEIGH } SWENSON, HAGEN & CO. P.C.
ROD BASH, ADVISE
BISMARCK, ND 58004

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED MATTHEW M. STERN, KNOWN
TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE, AND HE
ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PARENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING
COMMISSION OF THE CITY OF BISMARCK, ON THE _____ DAY OF _____, 2014, IN ACCORDANCE WITH LAWS OF
THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID
PLANNING COMMISSION, IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY
OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN CARL D. HORNSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION
OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN
THEREON, HAS APPROVED THE ORDINANCES SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF
THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATING WITHIN THE
BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY
RESOLUTION APPROVED THE _____ DAY OF _____, 2014.

ATTEST
W. C. WICKEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE
"FERNWOOD SECOND SUBDIVISION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION
OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN
THEREON, HAS APPROVED THE ORDINANCES SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH
COUNTY, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATING WITHIN THE BOUNDARY OF THE ANNEXED
PLAT.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS
TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2014.

JM PELUSSO - CHAIRMAN

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT MARLYS WARD, BEING THE OWNER AND PROPRIETOR OF THE
PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS
"FERNWOOD SECOND SUBDIVISION", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON
INCLUDING ALL SEWER, CULVERTS, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO
THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC,
TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED
HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

STATE OF NORTH DAKOTA } SS
COUNTY OF _____ } MARLYS WARD
BISMARCK, ND 58003

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED MARLYS WARD, KNOWN TO ME
TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO
ME THAT SHE EXECUTED THE SAME.

STATE OF NORTH DAKOTA } SS
COUNTY OF _____ } NOTARY PUBLIC
MY COMMISSION EXPIRES _____

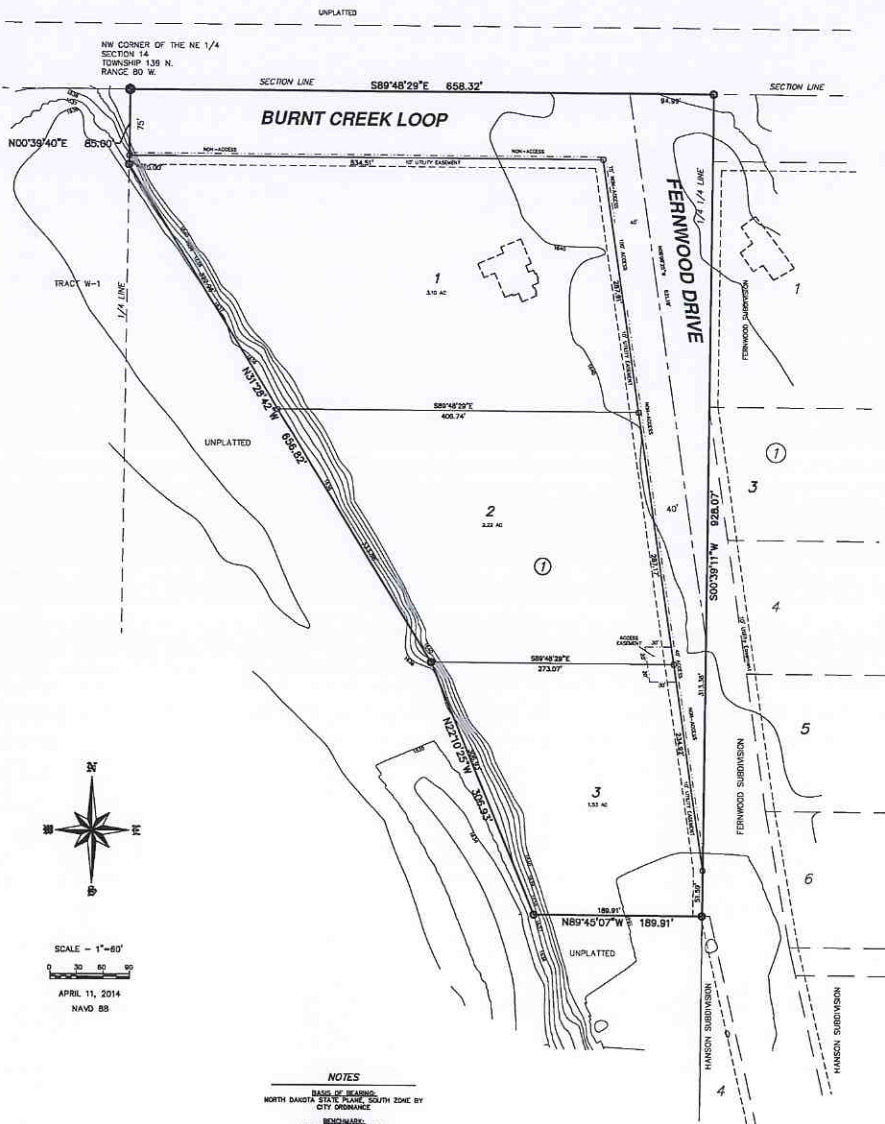


APR 25 2014

FERNWOOD SECOND SUBDIVISION

PART OF THE NORTHEAST 1/4
OF SECTION 14, T. 139 N., R. 81 W.

BURLEIGH COUNTY, NORTH DAKOTA



SCALE - 1"=80'

APRIL 11, 2014
NAVD 83

NOTES

BASED UP BEARING:
NORTH DAKOTA STATE PLANE SOUTH ZONE BY
CITY ORDINANCE

BEARING:
MPO MONUMENT 85-13
ELEV = 1343.01 (NAVD 83)

COORDINATE DATUM:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM

NAID BY SOUTH ZONE
ADJUSTMENT OF 1988

UNITS ARE INTERNATIONAL FEET

VERTICAL DATUM:
NATIONAL GEODETIC VERTICAL DATUM OF 1988

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS

MONUMENT TO BE SET
MONUMENT IN PLACE

FLOODPLAIN INFORMATION

FEMA FLOOD INSURANCE RATE MAP
COMMUNITY PANEL NUMBER 30010C0280C
DATED MAY 1993
FLOOD PLAIN ELEVATION=1940 (NAVD 83)

AREA DATA

LOTS	284,155 S.F.	6.45 ACRES
SECTIONS	68,425 S.F.	2.97 ACRES
TOTAL	352,580 S.F.	9.12 ACRES

DESCRIPTION

PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 139 NORTH, RANGE 81 WEST OF THE 5TH
PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF THE NE 1/4 OF SAID SECTION; THENCE SOUTH 89 DEGREES 48
MINUTES 29 SECONDS EAST, ALONG THE NORTH LINE OF SAID SECTION, A DISTANCE OF 658.32 FEET TO THE
WEST BOUNDARY OF FERNWOOD SUBDIVISION AND THE EAST LINE OF THE NORTHEAST 1/4 OF SAID NORTHEAST
1/4; THENCE SOUTH 60 DEGREES 30 MINUTES 11 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF
628.07 FEET TO THE NORTH BOUNDARY OF LOT 4 OF HANSON SUBDIVISION; THENCE NORTH 89 DEGREES 48
MINUTES 29 SECONDS WEST, ALONG SAID NORTH BOUNDARY AND ITS EXTENSION, A DISTANCE OF 10.81 FEET;
THENCE NORTH 23 DEGREES 10 MINUTES 25 SECONDS WEST, A DISTANCE OF 308.83 FEET; THENCE NORTH 31
DEGREES 23 MINUTES 42 SECONDS WEST, A DISTANCE OF 858.83 FEET TO THE WEST LINE OF SAID NE 1/4;
THENCE NORTH 00 DEGREES 39 MINUTES 40 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 65.00
FEET TO THE POINT OF BEGINNING.
THE ABOVE TRACT CONTAINS 9.12 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, TERRY BALTZER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY
THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION
AND COMPLETED ON 2013. THAT ALL INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO
THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL
REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND GEOMETRIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH)

SWENSON, HAGEN & CO. P.C.
909 BASH AVENUE
BISMARCK, ND 58504

TERRY BALTZER
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 3589

ON THIS DAY OF 2014, BEFORE ME PERSONALLY APPEARED TERRY BALTZER, KNOWN TO
ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE
ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING
COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE DAY OF 2013, IN ACCORDANCE WITH LAWS OF
THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID
PLANNING COMMISSION. IN WITNESS WHEREOF ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY
OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN

CARL D. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE
SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN
HEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF
THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY MAKE ANY PREVIOUS PLATTING WITHIN THE
BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY
RESOLUTION APPROVED THE DAY OF 2014.

W. C. WOODEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE
"FERNWOOD SECOND SUBDIVISION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF
LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN HEREON, HAS
APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN AMENDMENT TO THE MASTER PLAN OF BURLEIGH
COUNTY, NORTH DAKOTA, AND DOES HEREBY MAKE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED
PLAT.

THE FOREGOING ACTION OF THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA, WAS
TAKEN BY RESOLUTION APPROVED THE DAY OF 2014.

JIM FELDHO - CHAIRMAN

OWNERS' CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT MARLYS WARD, BEING THE OWNER AND PROPRIETOR OF THE
PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS
"FERNWOOD SECOND SUBDIVISION", BISMARCK, NORTH DAKOTA, AND DO SO DEDICATE STREETS AS SHOWN HEREON
INCLUDING ALL SEWER, CULVERT, WATER AND OTHER PUBLIC UTILITY LINES WHETHER SHOWN HEREON OR NOT TO
THE PUBLIC USE FOREVER.

THEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC,
TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED
HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

STATE OF NORTH DAKOTA)
COUNTY OF)

MARLYS WARD
8550 FERNWOOD DR
BISMARCK, ND 58503

ON THIS DAY OF 2014, BEFORE ME PERSONALLY APPEARED MARLYS WARD, KNOWN TO ME
TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND SHE ACKNOWLEDGED TO
ME THAT SHE EXECUTED THE SAME.

STATE OF NORTH DAKOTA)
COUNTY OF)

NOTARY PUBLIC
COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES



SWENSON, HAGEN & COMPANY P.C.
909 Bash Avenue
Bismarck, North Dakota 58504
Phone (701) 223-2000
Fax (701) 223-2000
www.swensonhagen.com
Surveying
Engineering
Construction Management

BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

BACKGROUND:		
Title: Midwest Business Park Addition – Final Plat		
Status: Planning Commission – Public Hearing	Date: June 25, 2014	
Owner(s): Midwest Motor Express, Inc. (Lot 1, Block 1) MME, Inc. (all remaining lots)	Engineer: BKBM Engineers	
Reason for Request: Plat property for future development of general commercial, light industrial, warehouses, distribution facilities, wholesale material sales, shop condos and related office uses.		
Location: In east Bismarck, along the south side of County Highway 10 and the west side of 52 nd Street (Auditor's Lots 3, 4 & 5, Section 1, T138N-R80W/Lincoln Township).		
Project Size: 79.15 acres	Number of Lots: 15 lots in 3 blocks	
EXISTING CONDITIONS:		
Land Use: Undeveloped	Land Use: General commercial and light industrial uses including warehouses distribution facilities, wholesale material sales, shop condos and related office uses	
Zoning: MA – Industrial (Lots 1-3, Block 1) Conditional MA – Industrial (Lots 4-5, Block 1); (Lots 1-7, Block 2); (Lots 1-3, Block 3)	Zoning: MA – Industrial (Lots 1-3, Block 1) Conditional MA – Industrial (Lots 4-5, Block 1); (Lots 1-7, Block 2); (Lots 1-3, Block 3)	
Uses Allowed: MA – Warehouses, storage facilities, manufacturing, service uses and commercial uses Conditional MA – Warehouses, storage facilities, manufacturing excluding ice manufacturing, soft drink bottling plants and petroleum bulk plants, service uses excluding dry cleaning plants, mortuaries or funeral homes and commercial uses.	Uses Allowed: MA – Warehouses, storage facilities, manufacturing, service uses and commercial uses Conditional MA – Warehouses, storage facilities, manufacturing excluding ice manufacturing, soft drink bottling plants and petroleum bulk plants, service uses excluding dry cleaning plants, mortuaries or funeral homes and commercial uses.	
Maximum Density Allowed: MA – N/A Conditional MA – N/A	Maximum Density Allowed: MA – N/A Conditional MA – N/A	
PROPERTY HISTORY:		
Zoned: 12/1976 (Lots 1-3, Block 1) 01/2014 (Remaining portion)	Platted: N/A	Annexed: 12/1976

FINDINGS:

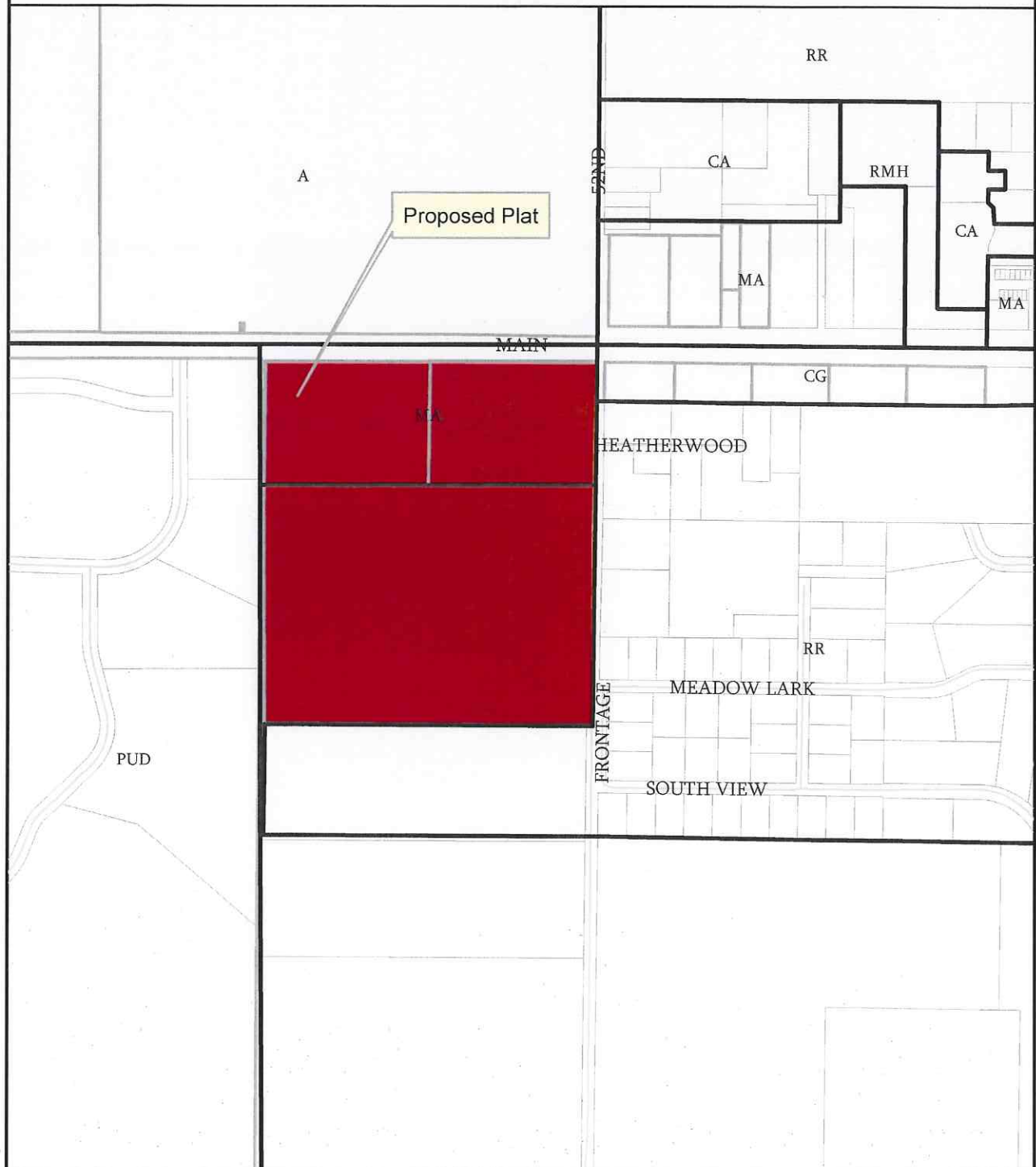
1. The preliminary plat was tentatively approved on May 28, 2014.
2. All technical requirements for consideration of a final plat have been met.
3. The storm water management plan has been approved by the City Engineer.
4. The proposed subdivision conforms with the Fringe Area Road Master Plan for this area, which identifies 52nd Street and County Highway 10 as the arterial roadways.
5. The entire property is currently within City limits and services would be extended in conjunction with development.; therefore the proposed subdivision would not place an undue burden on public services.
6. The subdivision would be generally compatible with adjacent land uses. Adjacent land uses include the Missouri Valley Complex to the west; undeveloped, State-owned land to the north across County Highway 10 and rural residential to the east across 52nd Street SE. The proposed plat includes a 50-foot wide landscape buffer easement along the easternmost portions of Lots 4-5, Block 1; conditions on Lots 4-5, Block 1 and setbacks were put in place to discourage outdoor storage along 52nd Street. Additionally, there is an undeveloped, 25.33-acre parcel that is zoned RR – Residential adjacent to the south. The proposed subdivision includes a 50-foot wide landscape buffer easement along the entire southern boundary of Lots 1-3, Block 3.
7. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
8. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the final plat for Midwest Business Park Addition.

/jt

Proposed Plat Midwest Business Park



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Date: 4/29/2014 (h/b)

Source: City of Bismarck

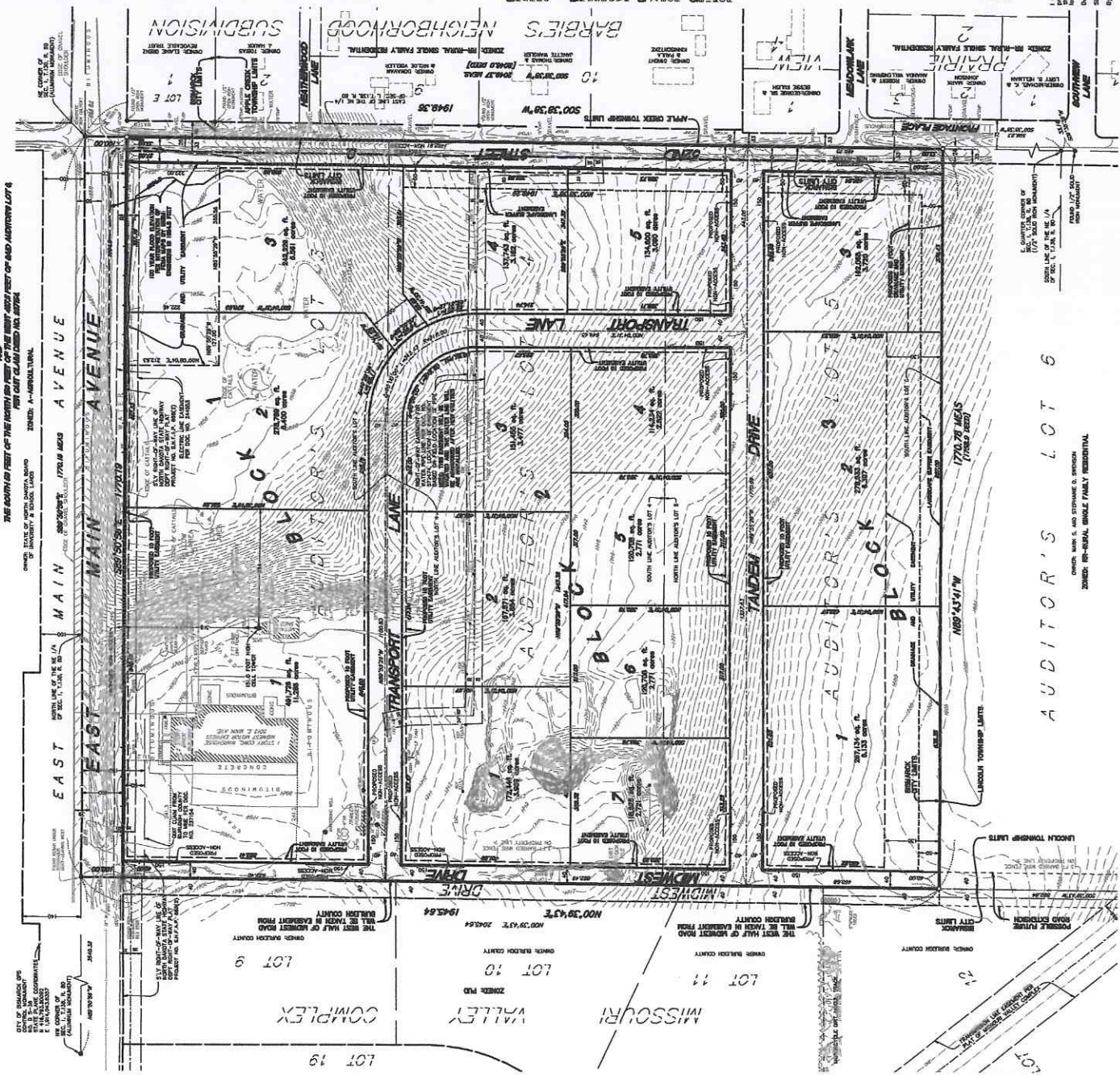
0 700 1,400 Feet



RECEIVED
MAY 23 2014

MIDWEST BUSINESS PARK ADDITION
TO THE CITY OF ESSENWICK, BURLINGHAM COUNTY, NORTH DAKOTA

THE SOUTH 60 FEET OF THE NORTH 150 FEET OF THE WEST 407 1/2 FEET OF OLD ADDONS LOT 6,
PEN CUT CLAIM DEED NO. 51754



DESCRIPTION OF PROPERTY SUBJECT.
(Per Deed Record Book No. 363, page 443, Doc. No. 212714)

Auditor's Lots 2, 4 and 6 of Section 1, Township 136, Range 80, Burlington County, North Dakota. Except the north 3.23 acres as shown in Deed recorded at Book 256, page 592, Doc. No. 121424, and
The north 50 feet of the north 150 feet of the east 487.5 feet of said Auditor's Lot 3, per Out Claim Deed No. 237154.

TIME COMMITMENT

encumbrances may exist in addition to those shown herein. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.

GENERAL NOTES

2.) Distances shown on this survey are ground distances.

3.3 Horizontal location

UTILITY NOTES

1.) Utility information of the underground

2.) Other underground utilities of which we are unaware may exist. Verity of utilities critical to construction design.

3) Some underground responded to our

FLOOD ZONE NOTE:
Contact NORTH DAKOTA ONE CALL at 1-800-768-0663 for precise utility location of utilities across town.

1.) The subject proper for the National F

2.) The 100 year Flood Plain Deviation is 105.4% per Interpretation of FEMA Maps by BGS&S Engineering, Inc. dated July 10, 2005. This information was obtained from the FEMA Map Service Center web site.

Gross Area = 3,447.91

NET AREA

- 3,303,562 square feet of 22,676 acres enclosing 33 foot, road right-of-way for Grand Street S.

LEGEND

- Denotes iron measurement with P.L.S. No. 6373

ZONING NOTES

1.) Zoning Information obtained from the City of
Barnstable web site on 4-01-2014.

PROPERTY OWNER.
NAME, INC.
5015 E. Main Avenue,
Denver, Colorado 80231

P.O. Box 1038
Blissard, ND 58502
Contact person: John B.

LAND SURVEYOR.
Main Office:

3001 East Daomington Fr
Suite 118
Daomington, Minnesota

952-881-2455 (Fax: 952-880-9326)
West Office:
Atlanta, North Dakota 701-663-5562

JLG Architects
416 E. Main Avenue
Diamond, ND 58501

CIVIL ENGINEER:
SBB Engineers

Contact person: Craig Ruhnold
Phone: 701-255-1817

VICINITY MAP

100 ft

04 3rd Avenue NW
London, NO 58654
Contact person: Joseph

 \mathbb{N}

BISMARCK, ND

2.) Checked $\frac{1}{4}$ " on top of SW corner of head joint at the $\frac{1}{32}$ " quant of 0.250 and 1.000.

1000

Category	Count
City comments from 5-12-14	100
Redesign Lots and Roads-comments from BLM	100
Comments from BLM	200

SCALE IN

PRELIMINARY PLAT OF
MIDWEST BUSINESS PARK
TO THE CITY OF BISMARCK

Not I am a duly Licensed
of the State of North

GRACE LAND SURVEYING, LLC
 12th day of May, 2014
 Attest this 12th day of May, 2014

 John J. Carlson, JLS
 JLS, LLC, No. B373
 1515 N. 11th St., Suite 100
 Phoenix, AZ 85006
 (602) 998-3333
 www.jlsurveying.com
 JLS, LLC
 1515 N. 11th St., Suite 100
 Phoenix, AZ 85006
 (602) 998-3333
 www.jlsurveying.com

100

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Kamrose Crossing Addition – Zoning Change (RM15 to PUD)		
Status: Planning Commission – Public Hearing	Date: June 25, 2014	
Owner(s): Verity Homes of Bismarck, LLC	Engineer: Swenson, Hagen & Co.	
Reason for Request: Rezone property to allow the development of an 18-building/74-unit row house development.		
Location: In south Bismarck, in the northeast corner of the intersection of South Washington Street and Burleigh Avenue, along the west side of Rutland Drive.		
Project Size: 4.96 acres	Number of Lots: 78 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
	Land Use: 18-building/74-unit row house development	
Zoning: RM15 – Residential	Zoning: PUD – Planned Unit Development	
Uses Allowed: RM15 – Multi-family residential	Uses Allowed: PUD – Uses specified in PUD	
Maximum Density Allowed: RM15 – 15 units/acre	Maximum Density Allowed: PUD – Density as specified in PUD	
PROPERTY HISTORY:		
Zoned: 09/2013	Platted: 09/2013	Annexed: 06/2007
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached. 2. The proposed PUD would allow the development of the property as a 74-unit rowhouse development reduced setbacks and reduced minimum lot dimensions, a private play area and a dog park. Copies of the written statement, an overall subdivision concept and concept building elevations are attached. 		
FINDINGS:		
<ol style="list-style-type: none"> 1. The proposed zoning change is outside of the area covered by the Future Land Use Plan (FLUP) in the 2014 Growth Management Plan. 2. The proposed zoning change would be compatible with adjacent land uses. Adjacent land uses include developing twin homes to the north and east, a storm water detention area to the west and undeveloped agricultural land to the south across Burleigh Avenue. 		
<i>(continued)</i>		

3. The property is annexed and services would be extended in conjunction with development; therefore, it would not place an undue burden on public services and facilities.
4. The proposed zoning change would not adversely affect property in the vicinity.
5. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations.
6. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the zoning change from the RM15 – Residential zoning district to the PUD – Planned Unit Development zoning district, as outlined in the attached draft PUD ordinance.

/jt

14-04-18. Planned Unit Developments.

It is the intent of this section to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.

1. Site plan, written statement and architectural drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:

- a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.
 - 1) The existing topographic character of the land;
 - 2) Existing and proposed land uses;
 - 3) The location of all existing and proposed buildings, structures and improvements;
 - 4) The maximum height of all buildings;
 - 5) The density and type of dwelling;
 - 6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
 - 7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
 - 8) Proposed interior buffer areas between uses;
 - 9) Acreage of PUD;
 - 10) Utility service plan showing existing utilities in place and all existing and proposed easements;
 - 11) Landscape plan; and
 - 12) Surrounding land uses, zoning and ownership.
- b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:
 - 1) A statement of the present ownership and a legal description of all the land included in the planned unit;
 - 2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
 - 3) A copy of all proposed condominium agreements for common areas.
- c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:
 - 1) Elevations of the front and one side of a typical structure.
 - 2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.

- a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.
- b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The

zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:

- a. Proposal conforms to the comprehensive plan.
- b. Buffer areas between noncompatible land uses may be required by the planning commission.
- c. Preservation of natural features including trees and drainage areas should be accomplished.
- d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.
- e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.

4. Changes.

- a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.
- b. All other changes in the planned unit shall be initiated in the following manner:
 - 1) Application for Planned Development Amendment.
 - a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.
 - b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.
 - 2) Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.
 - 3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

ORDINANCE NO.

Introduced by _____

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RM15 – Residential District and included within the PUD – Planned Unit Development District.

Lots 1-78, Block 1, Kamrose Crossing Addition.

This PUD is subject to the following development standards:

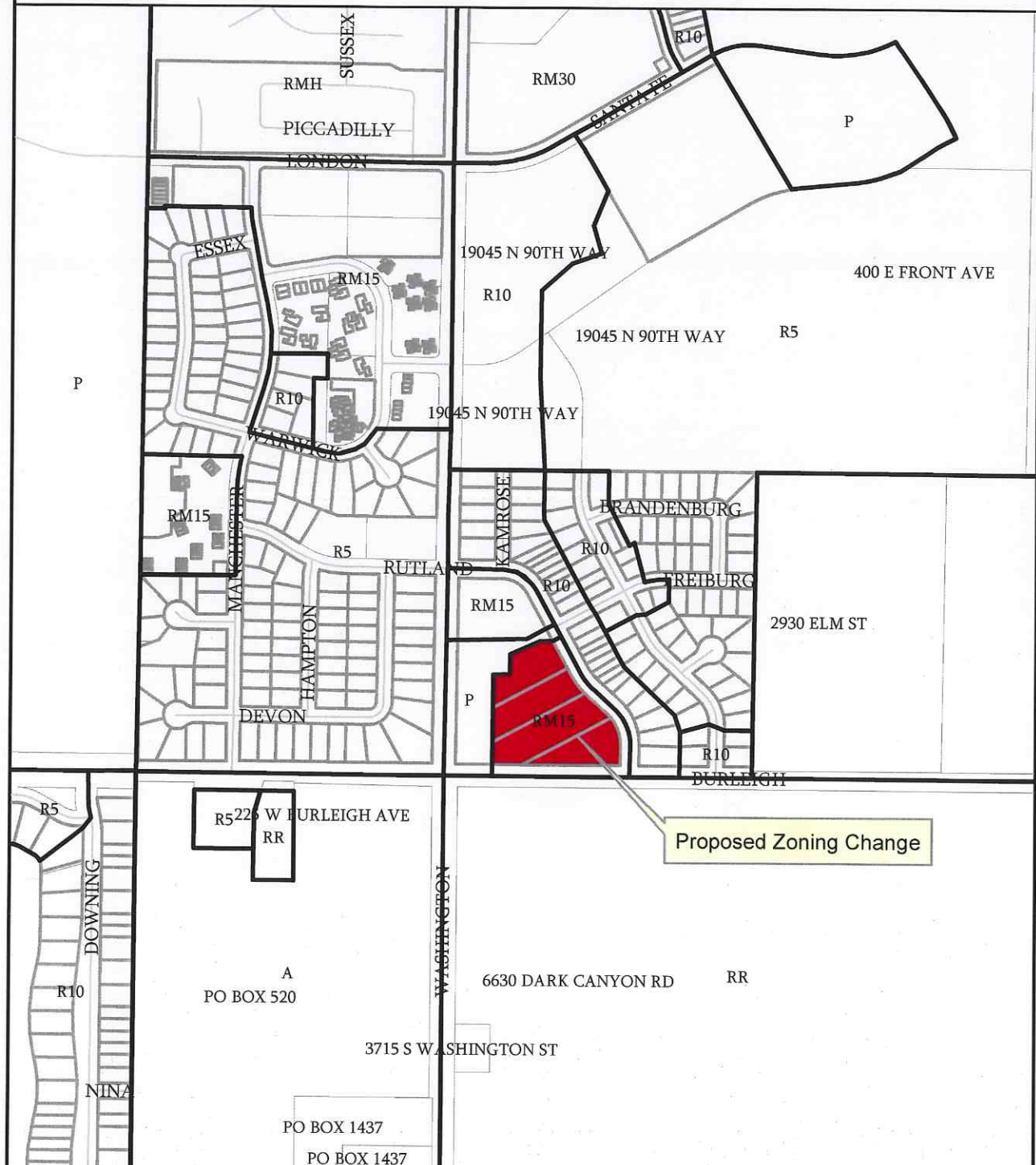
1. *Uses Permitted.* Uses permitted include a maximum of 74 residential units in a mix of 3 to 5-unit row houses. The configuration of residential units shall generally conform to the overall development plan for Kamrose Crossing Addition dated April 25, 2014. Any change in the use of the property from that indicated above will require an amendment to this PUD.
2. *Development Standards.* Each interior buildable lot shall have an area of not less than twelve-hundred (1,200) square feet, a minimum width at the building setback line of not less than sixteen (16) feet, a minimum front yard setback of twenty-five (25) feet (as measured from the edge of the lot), a minimum side yard setback of five (5) feet, (as measured from the edge of the access easement) a minimum rear yard setback of five (5) feet, and a maximum building height of forty (40) feet. Rear yards are along the private access roadways and front yards are along the courtyard portion of the site.
3. *Design Standards.* Each building or structure shall utilize select finish materials including fiber cement board as siding and trim, stucco/EIFS, standing seam metal as an accent material and asphalt shingles.

4. *Private Roadway Maintenance.* The development and construction of the private roadways shall be the responsibility of the developer. On-going repair and maintenance of the private roadways shall be the responsibility of the home owners association.
5. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

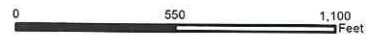
Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Proposed Zoning Change (RM15 to PUD) **Lots 3-6, Block 1, Kamrose Addition**

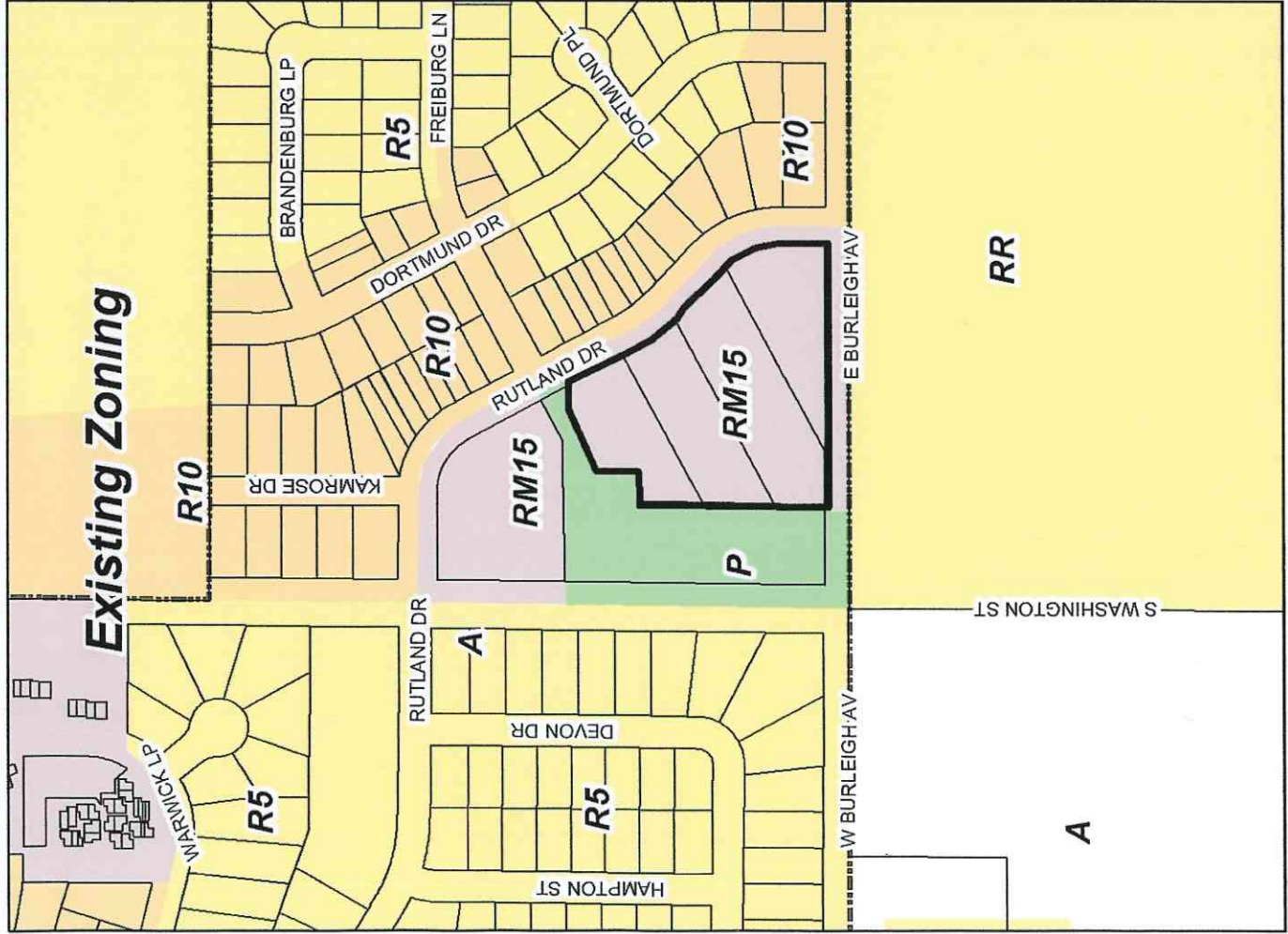


DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
 Date: 4/28/2014 (nib)

Source: City of Bismarck



Kamrose Crossing Addition - Zoning Change



Kamrose Crossing Addition

PUD WRITTEN STATEMENT
PROVIDED BY THE AFFICANT.

Request for Approval of Kamrose Crossing Planned Unit Development

Verity Homes of North Dakota is proposing to develop approximately 4.94 acres located East of Rutland Drive and North of Burleigh Ave. The area is currently platted as Lots 3-6, Block 1 Kamrose Addition, Bismarck, North Dakota.

Verity Homes is considering developing the property into a residential development with 74 row houses that will include a mix of two and three bedroom units, featuring high end finishes such as quartz countertops, hardwood flooring, and security systems, along with architectural design unique to the area.

Verity Homes proposes rezoning the property to a PUD district in order to accommodate the intended project which will result in a logical and orderly development pattern that will be consistent with surrounding land uses. The projected density of 15 units per acre and reconfiguration of the lots is not to establish new uses, but to allow for potential homeowners to have a vested interest in their residence, while sharing in the use and maintenance of designated common areas used for green space, driving lanes, emergency access, a dog park and storm water storage and drainage.

The project will address the housing needs of the community by building modestly priced housing in south Bismarck. Verity Homes anticipates that the proposed row houses, situated on smaller parcels of land, will attract younger, first-time homebuyers.

Considering that the existing zoning of the property allows for the construction of apartment buildings and other medium density residences, the proposed zoning change would not adversely affect property in the vicinity.

Interior landscaping, adequate parking and emergency lane access will be applied per the city standards and ordinances.

Zoning: PUD

Front yard: 25'

Side yard: 5'

Rear yard: 5'

Zero setback on Access Easements

Lot area: 1,200 square feet minimum

Building Height: 40' maximum (37' Typical)

See attachments for architectural drawings, etc.



BUILDING LOCATION PLAN
REDDOOR HOMES | BISMARCK, NORTH DAKOTA

KAMROSE SITE - PUD APPLICATION
25 APRIL 2014

A



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URBAN DESIGN ASSOCIATES

EAST BURLEIGH AVE VIEW LOOKING WEST
REDDOOR HOMES | BISMARCK, NORTH DAKOTA

KAMROSE SITE - PUD APPLICATION
25 APRIL 2014

B



LANE VIEW LOOKING NORTH
REDDOOR HOMES | BISMARCK, NORTH DAKOTA

KAMROSE SITE - INTERIOR VIEWS
16 JUNE 2014

C

KAMROSE SITE - PUD APPLICATION
25 APRIL 2014

COURTYARD VIEW LOOKING SOUTHWEST
REDDOOR HOMES | BISMARCK, NORTH DAKOTA



URBAN DESIGN ASSOCIATES © 2014 URBAN DESIGN ASSOCIATES

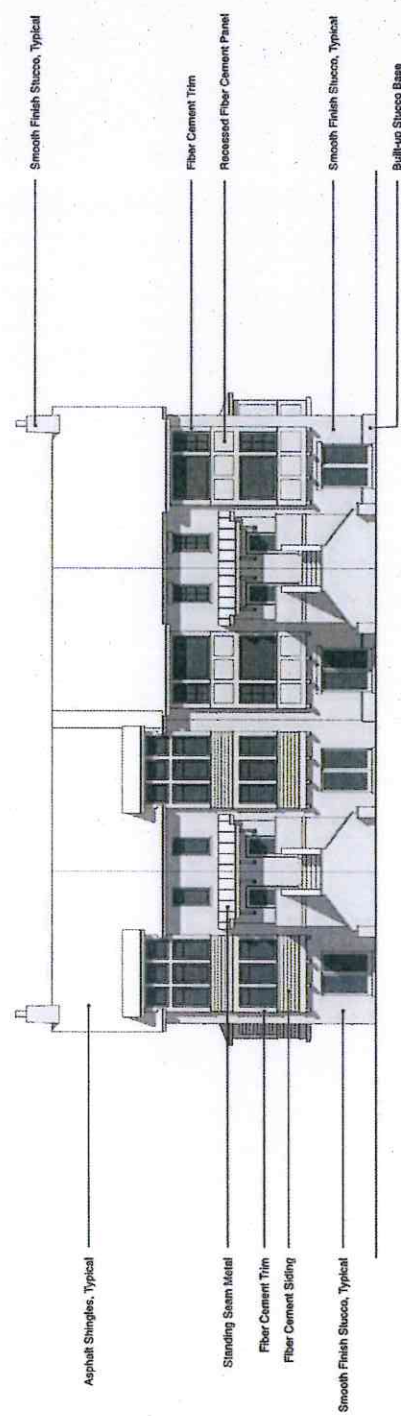
LANE VIEW LOOKING EAST
REDDOOR HOMES | BISMARCK, NORTH DAKOTA

KAMROSE SITE - INTERIOR VIEWS
16 JUNE 2014

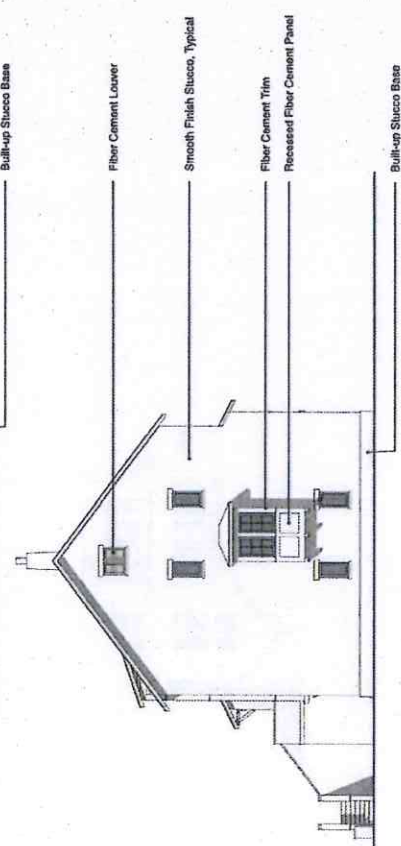


URBAN DESIGN ASSOCIATES

© 2014 URBAN DESIGN ASSOCIATES



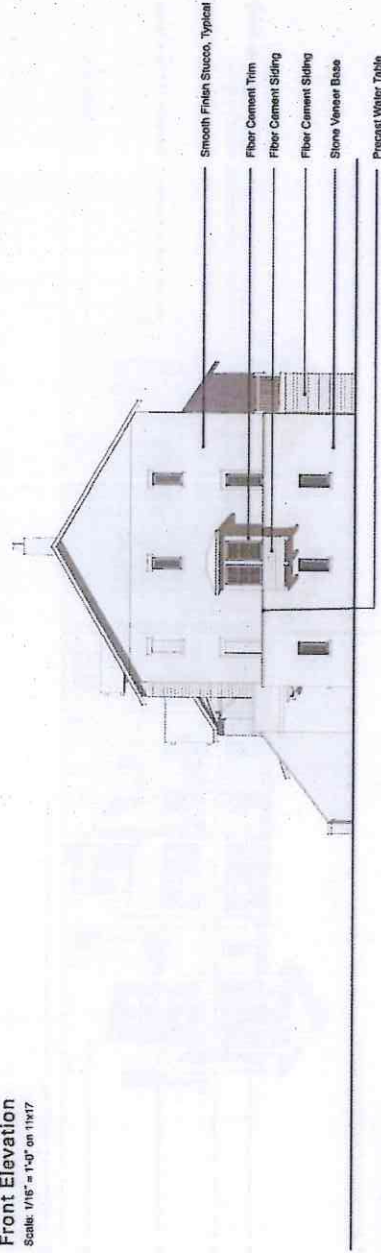
Front Elevation
 Scale: 1/16" = 1'-0" on 11x17



Side Elevation
 Scale: 1/16" = 1'-0" on 11x17



Front Elevation
Scale: 1/16" = 1'-0" on 11x17



Side Elevation
Scale: 1/16" = 1'-0" on 11x17

BUILDING FOUR

REDDOOR HOMES | BISMARCK, NORTH DAKOTA

KAMROSE SITE - PUD APPLICATION
25 APRIL 2014

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

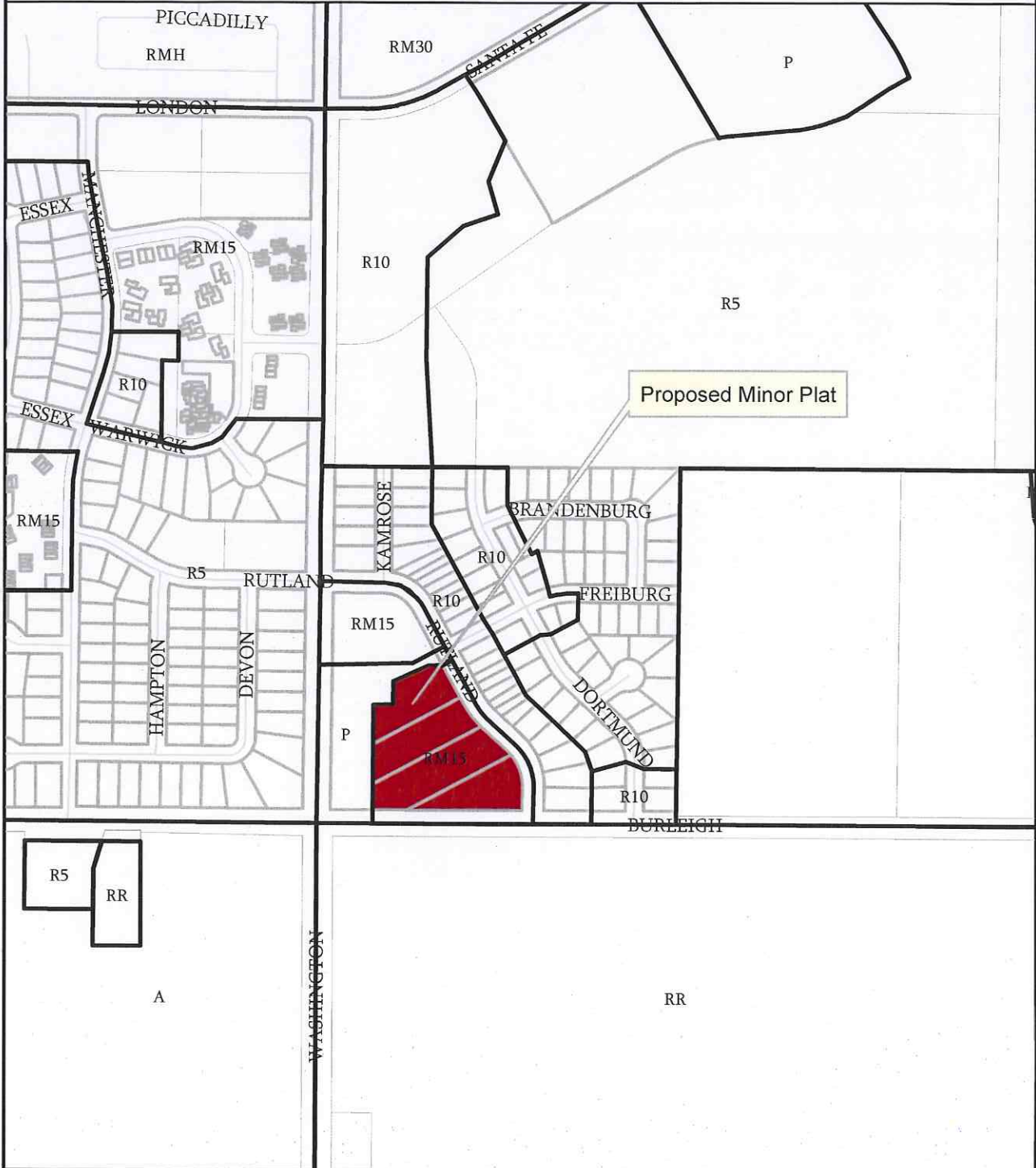
BACKGROUND:		
Title: Kamrose Crossing Addition – Minor Subdivision Final Plat		
Status: Planning Commission – Public Hearing	Date: June 25, 2014	
Owner(s): Verity Homes of Bismarck, LLC	Engineer: Swenson, Hagen & Co.	
Reason for Request: Replat and rezone property to allow the development of an 18-building/74-unit row house development.		
Location: In south Bismarck, in the northeast corner of the intersection of South Washington Street and Burleigh Avenue, along the west side of Rutland Drive (a replat of Lots 3-6, Block 1, Kamrose Addition).		
Project Size: 4.96 acres	Number of Lots: 78 lots in 1 block	
EXISTING CONDITIONS:		PROPOSED CONDITIONS:
Land Use: Undeveloped		Land Use: 18-building/74-unit row house development
Zoning: RM15 – Residential		Zoning: PUD – Planned Unit Development
Uses Allowed: RM15 – Multi-family residential		Uses Allowed: PUD – Uses specified in PUD
Maximum Density Allowed: RM15 – 15 units/acre		Maximum Density Allowed: PUD – Density as specified in PUD
PROPERTY HISTORY:		
Zoned: 09/2013	Platted: 09/2013	Annexed: 06/2007
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for approval of a minor subdivision final plat have been met. 2. The storm water management plan has been approved by the City Engineer. 3. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities. 4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing twin homes to the north and east, a storm water detention area to the west and undeveloped agricultural land to the south across Burleigh Avenue. 5. The proposed subdivision would not adversely affect property in the vicinity. 6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice. 		

RECOMMENDATION:

Based on the above findings, staff recommends approval of the minor subdivision final plat for Kamrose Crossing Addition.

/jt

Proposed Minor Plat Kamrose Crossing Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Date: 5/27/2014(hlb)

Source: City of Bismarck



A horizontal scale bar with tick marks at 0, 500, and 1,000 feet. The word "Feet" is written at the right end of the bar.

KAMROSE CROSSING ADDITION

BEING A REPLAT OF LOTS 3-6 BLOCK 1, KAMROSE ADDITION
OF THE SW 1/4, SECTION 16, T. 138 N., R. 80 W.

BISMARCK, BURLEIGH COUNTY NORTH DAKOTA

NOTES

BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

COORDINATE DATA:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1988
UNITS ARE INTERNATIONAL FEET

**BEARINGS AND DISTANCES MAY VARY FROM
BEARING PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.**

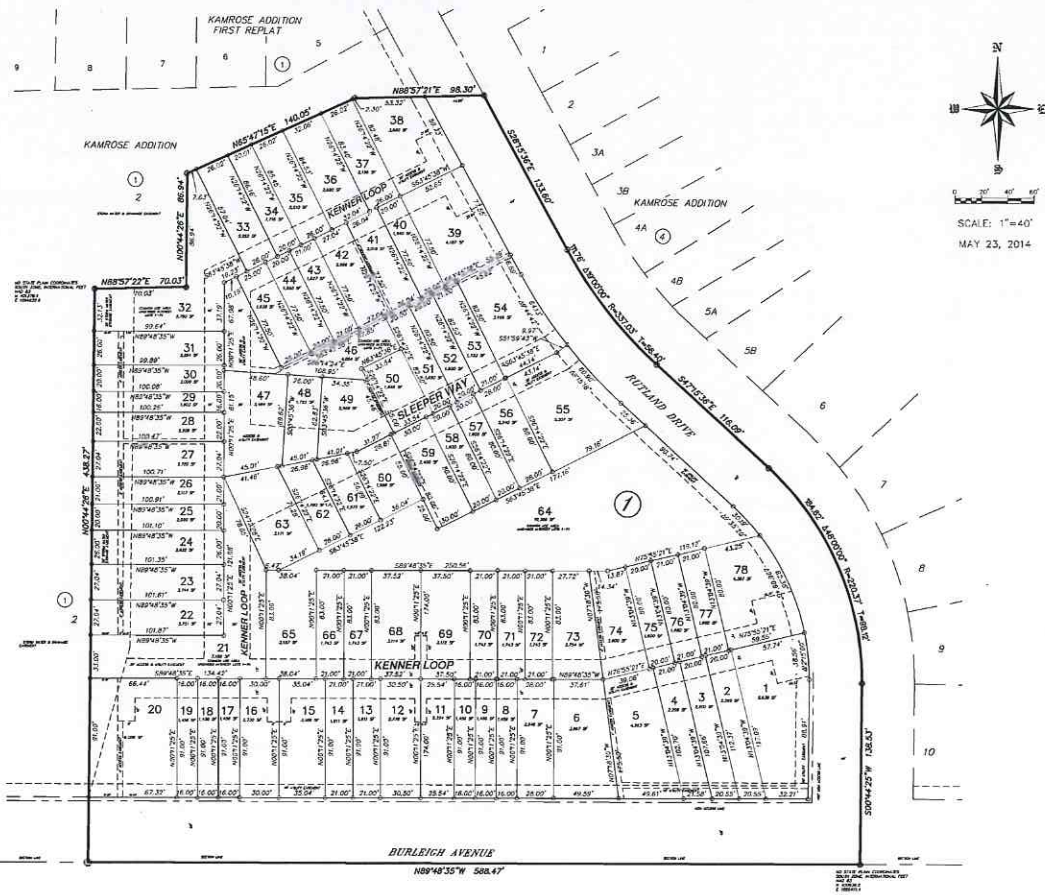
RECORDING:
WASHINGTON ST. & BURLEIGH AVE.
ELEV = 1638.77 (NGVD 29)

DECLARATION OF COVENANTS AND RESTRICTIONS HAVE BEEN
RECORDED ON _____ AS DOCUMENT NO. _____
WITH THE BURLEIGH COUNTY RECORDER

AREA

LOTS	215,242 S.F.	4.94 ACRES
STREETS	64,822 S.F.	1.50 ACRES
TOTAL	270,064 S.F.	6.20 ACRES

- MONUMENT TO BE SET
- MONUMENT IN PLACE



DESCRIPTION

BEING A REPLAT OF LOTS 3-6, BLOCK 1, KAMROSE ADDITION OF THE SW 1/4, SECTION 16, T. 138 N., R. 80 W., BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SW CORNER OF SAID SW 1/4 OF SAID SECTION, THENCE SOUTH 89 DEGREES 48 MINUTES 36 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 45 DEGREES 48 MINUTES 36 SECONDS EAST, ALONG THE EASTERLY BOUNDARY AND ITS EXTENSION OF LOT 3, BLOCK 1, KAMROSE ADDITION, A DISTANCE OF 438.97 FEET; THENCE NORTH 88 DEGREES 57 MINUTES 22 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 70.00 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 26 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY, A DISTANCE OF 66.94 FEET; THENCE NORTH 88 DEGREES 47 MINUTES 15 SECONDS EAST, CONTINUING ALONG SAID BOUNDARY AND ITS EXTENSION, A DISTANCE OF 98.30 FEET TO THE CENTERLINE OF OUTLAND DRIVE; THENCE SOUTH 28 DEGREES 5 MINUTES 36 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 133.89 FEET; THENCE SOUTHEASTERLY AND TO THE LEFT, CONTINUING ALONG SAID CENTERLINE, ON A 337.03 FOOT RADIUS CURVE, AN ARC LENGTH OF 117.16 FEET, THENCE SOUTH 47 DEGREES 18 MINUTES 36 SECONDS EAST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 116.00 FEET; THENCE SOUTHEASTERLY AND TO THE RIGHT, CONTINUING ALONG SAID CENTERLINE, ON A 210.33 FOOT RADIUS CURVE, AN ARC LENGTH OF 134.82 FEET; THENCE SOUTH 60 DEGREES 44 MINUTES 24 SECONDS WEST, CONTINUING ALONG SAID CENTERLINE, A DISTANCE OF 138.53 FEET TO THE SOUTH LINE OF SAID SECTION; THENCE NORTH 89 DEGREES 25 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 308.47 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 270,064 SF MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, MATTHEW STEIN, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEXED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PURSUANT TO THE SUPERVISION AND COMPLETION ON _____ 2014, THAT ALL INFORMATION THEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONS AND GEOMETRIC DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) ss
SWENSON, HAGEN & CO., P.C.
909 BAZIN AVENUE
BISMARCK, NORTH DAKOTA

MATTHEW M. STEIN
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 8269

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED MATTHEW STEIN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE _____ DAY OF _____, 2014, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION, IN WITNESS WHEREOF, WE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YLADER - CHAIRMAN

CARL D. HONESTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEXED PLAT, HAS ACCEPTED THE DEDICATION OF ALL STREETS SHOWN THEREON, HAS APPROVED THE GROUNDS AS SHOWN ON THE ANNEXED PLAT AS AN ADDITION TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEXED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2014.

ATTEST
W. G. WICKEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. RULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "KAMROSE CROSSING ADDITION", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEXED PLAT.

MELVIN J. RULLINGER
CITY ENGINEER

OWNERS CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT VENITY HOMES OF BISMARCK, LLC, BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON, HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "KAMROSE CROSSING ADDITION", BISMARCK, NORTH DAKOTA.

THEY ALSO HEREBY DEDICATE TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES ON OR UNDER THOSE CERTAIN STRIPS OF LAND DESIGNATED HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

THEY FURTHERMORE GRANT ACCESS EASEMENTS FOR ALL LAND OWNING PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, SAID EASEMENT TO INCLUDE THE FULL AND FREE RIGHT FOR SAID PARTIES, THEIR TENANTS, VISITORS AND LICENSEES, IN COMMON WITH ALL OTHERS HAVING LIKE RIGHT, AT ALL TIMES HEREAFTER, FOR ALL PURPOSES CONNECTED WITH THE USE OF SAID PARTIES, TO PASS AND REPAIR ALONG SAID EASEMENT AND TO HOLD SAID EASEMENT TO SAID PARTIES, THEIR HEIRS AND HEIRS AND APPROPRIATE TO HIS LAND OF SAID PARTIES. IT ALSO GRANTS SAID ACCESS EASEMENT TO AND FOR THE USE OF ANY GOVERNMENTAL SUPERVISOR, ITS OFFICERS AND EMPLOYEES FOR UTILITIES AND ANY OTHER GOVERNMENTAL USE, OR ONLY IT BECOMES NECESSARY OR DESIRABLE, PROVIDED THE CITY SHALL NOT BE RESPONSIBLE IN ANY WAY TO FURNISH ANY CITY SERVICES IF SUCH ACCESS EASEMENTS ARE NOT PROPERLY MAINTAINED OR ARE DESTROYED BY THE OWNERS OF SAID PROPERTY IN THE SUBDIVISION.

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) ss

ARTHUR GOLDMAN
VENITY HOMES OF BISMARCK, LLC
200 N. 14TH ST.
BISMARCK, ND 58503

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED ARTHUR GOLDMAN, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATIENCE, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016



BEING A REPLAT OF LOTS 8 & 9 BLOCK 1, LOTS 11, 12, 13 & 14
BLOCK 5 & LOTS 1, 2 & 3 BLOCK 6 OF HUBER REAL ESTATE
TRUST FIRST ADDITION & PART OF WASHINGTON STREET & PART
OF BURLEIGH AVENUE, PART OF THE SW 1/4 OF THE SW 1/4.

**BISMARCK, BURLEIGH COUNTY
NORTH DAKOTA**



SCALE: 1"=60'

JULY 31, 2013

NOTES

BASIS OF BEARING
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY
CITY ORDINANCE

BENZONITRILE
HYDRANT #2441
WASHINGTON ST. & BURLINGHAM AVE.
ELEV - 1638.72 (HYD 28)

**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

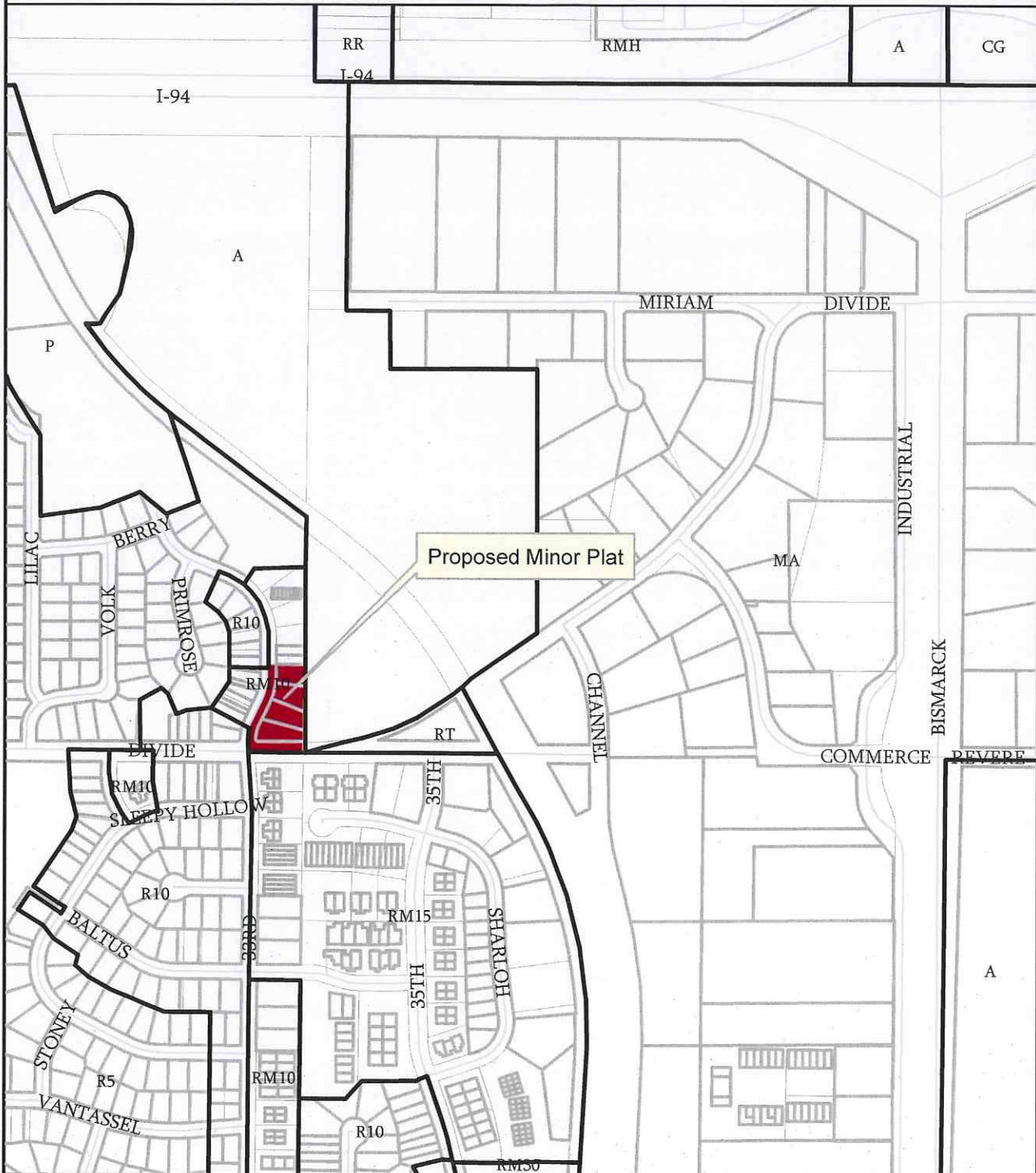
BACKGROUND:		
Title: Hay Creek Meadows First Replat – Minor Subdivision Final Plat		
Status: Planning Commission – Public Hearing	Date: June 25, 2014	
Owner(s): Premier Homes, Inc.	Engineer: Swenson, Hagen & Co.	
Reason for Request: Replat property to create additional lots for development.		
Location: In northeast Bismarck, along the north side of East Divide Avenue and east side of East Capitol Avenue (a replat of Lots 1-4, Block 4, Hay Creek Meadows Subdivision).		
Project Size: 1.66 acres	Number of Lots: 11 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
	Land Use: Four twinhomes and one three-unit rowhouse	
Zoning: RM10 – Residential	Zoning: RM10 – Residential	
Uses Allowed: RM10 – Multi-family Residential	Uses Allowed: RM10 – Multi-family residential	
Maximum Density Allowed: RM10 – 10 units/acre	Maximum Density Allowed: RM10 – 10 units/acre	
PROPERTY HISTORY:		
Zoned: 06/1976	Platted: 06/1976	Annexed: Pre-1980
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for approval of a minor subdivision final plat have been met. 2. The storm water management plan has been approved by the City Engineer. 3. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities. 4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include existing single and two-family residential to the west across East Capitol Avenue and residential multi-family uses to the north and south across East Divide Avenue and undeveloped and un-annexed agriculture land to the east. 5. The proposed subdivision would not adversely affect property in the vicinity. 6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice. 		

RECOMMENDATION:

Based on the above findings, staff recommends approval of the minor subdivision final plat for Hay Creek Meadows First Replat.

/JW

Proposed Minor Plat Hay Creek Meadows First Replat



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 5/27/2014(hlb)

Source: City of Bismarck

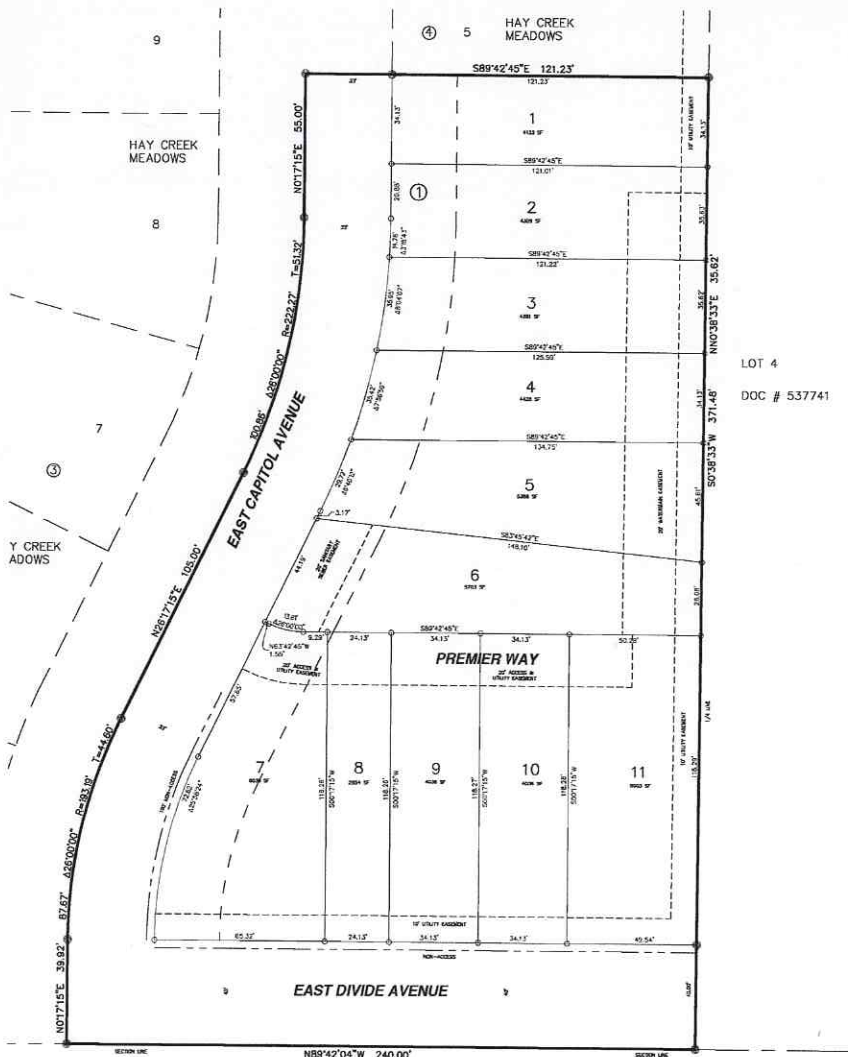
0 550 1,100 Feet



HAY CREEK MEADOWS FIRST REPLAT

BEING A REPLAT OF LOTS 1-4 BLOCK 4, HAY CREEK MEADOWS
OF THE SW 1/4, SECTION 26, T. 139 N., R. 80 W.

BISMARCK, BURLEIGH COUNTY
NORTH DAKOTA



NOTES

DATE OF BEARING:
NORTH DAKOTA STATE PLAT, SOUTH ZONE BY
CITY ENGINEER

COORDINATE DATA:
NORTH DAKOTA STATE PLANE COORDINATE
SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1986
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS

BENCHMARK:
HYDRAULIC #2441
WASHINGTON ST. & BURLEIGH AVE.
ELEV. = 1638.77 (NGVD 29)

○ MONUMENT TO BE SET
● MONUMENT IN PLACE

AREA		
LOTS	51,202 S.F.	1.18 ACRES
STREETS	21,104 S.F.	0.48 ACRES
TOTAL	72,306 S.F.	1.66 ACRES



SCALE: 1"=20'

MAY 23, 2014

DESCRIPTION

BEING A REPLAT OF LOTS 1-4, BLOCK 4, HAY CREEK MEADOWS OF THE SW 1/4, SECTION 26, T. 139 N., R. 80 W., BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, BLOCK 4, HAY CREEK MEADOWS, THENCE SOUTH 60 DEGREES 38 MINUTES 33 SECONDS WEST, ALONG THE EAST LINE OF SAID SW 1/4, A DISTANCE OF 371.48 FEET; TO THE SOUTH LINE OF SAID SECTION; THENCE NORTH 89 DEGREES 42 MINUTES 45 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 240.00 FEET TO THE CONTINUING OF CAPITOL AVENUE, RIGHT OF WAY, THENCE NORTH 70 DEGREES 15 MINUTES 15 SECONDS EAST, ALONG SAID CONTINUING, A DISTANCE OF 38.92 FEET; THENCE NORTHWESTERLY AND TO THE RIGHT, ON A 183.15 FOOT RADIUS CURVE, CONTINUING ALONG SAID CONTINUING, AN ARC LENGTH OF 87.81 FEET; THENCE NORTH 26 DEGREES 17 MINUTES 15 SECONDS EAST, CONTINUING ALONG SAID CONTINUING, A DISTANCE OF 109.00 FEET; THENCE NORTHEASTERLY AND TO THE NORTH 60 DEGREES 17 MINUTES 15 SECONDS EAST, CONTINUING ALONG SAID CONTINUING, AN ARC LENGTH OF 109.00 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 45 SECONDS EAST, CONTINUING ALONG SAID CONTINUING, A DISTANCE OF 360.00 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 45 SECONDS EAST, ALONG THE SOUTH LINE OF LOT 5, BLOCK 4, HAY CREEK MEADOWS AND ITS EXTENSION, A DISTANCE OF 121.23 FEET TO THE POINT OF BEGINNING.

THE ABOVE TRACT CONTAINS 72,306 S.F. MORE OR LESS.

SURVEYOR'S CERTIFICATE

I, DAYNE SOLEM, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NORTH DAKOTA, HEREBY CERTIFY THAT THE ANNEKED PLAT IS A TRUE COPY OF THE NOTES OF A SURVEY PERFORMED UNDER MY SUPERVISION AND COMPLETED ON MAY 19, 2014, THAT ALL INFORMATION SUBMITTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE (AND BELIEF), THAT ALL MONUMENTS SHOWN HEREON ARE CORRECT, THAT ALL REQUIRED MONUMENTS HAVE BEEN SET, AND THAT ALL DIMENSIONAL AND COLORING DETAILS ARE CORRECT.

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH }
SS SWENSON, HAGEN & CO. P.C.
300 BASH AVENUE
BISMARCK, NORTH DAKOTA

DAYNE SOLEM
PROFESSIONAL LAND SURVEYOR
N.D. REGISTRATION NO. 8423

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED DAYNE SOLEM, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATRICK, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

APPROVAL OF CITY PLANNING COMMISSION

THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEKED PLAT HAS BEEN APPROVED BY THE PLANNING COMMISSION OF THE CITY OF BISMARCK, NORTH DAKOTA, ON THE _____ DAY OF _____, 2014, IN ACCORDANCE WITH LAWS OF THE STATE OF NORTH DAKOTA, ORDINANCES OF THE CITY OF BISMARCK AND REGULATIONS ADOPTED BY THE SAID PLANNING COMMISSION, IN WITNESS WHEREOF, ARE SET THE HANDS AND SEALS OF THE CHAIRMAN AND SECRETARY OF THE PLANNING COMMISSION OF THE CITY OF BISMARCK.

WAYNE LEE YEAGER - CHAIRMAN
CARL B. HOKENSTAD - SECRETARY

APPROVAL OF BOARD OF CITY COMMISSIONERS

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA, HAS APPROVED THE SUBDIVISION OF LAND AS SHOWN ON THE ANNEKED PLAT HAS ACCEPTED THE LOCATION OF ALL SPECIES DESIGNATED THEREON, HAS APPROVED THE BOUNDARY AS SHOWN ON THE ANNEKED PLAT AS AN ADDENDUM TO THE MASTER PLAN OF THE CITY OF BISMARCK, NORTH DAKOTA, AND DOES HEREBY VACATE ANY PREVIOUS PLATTING WITHIN THE BOUNDARY OF THE ANNEKED PLAT.

THE FOREGOING ACTION OF THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA, WAS TAKEN BY RESOLUTION APPROVED THE _____ DAY OF _____, 2014.

ATTEST:
M. C. WICKEN - CITY ADMINISTRATOR

APPROVAL OF CITY ENGINEER

I, MELVIN J. BULLINGER, CITY ENGINEER OF THE CITY OF BISMARCK, NORTH DAKOTA, HEREBY APPROVE "HAY CREEK MEADOWS FIRST REPLAT", BISMARCK, NORTH DAKOTA AS SHOWN ON THE ANNEKED PLAT.

MELVIN J. BULLINGER
CITY ENGINEER

OWNERS CERTIFICATE & DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT PREMIER HOMES BEING THE OWNER AND PROPRIETOR OF THE PROPERTY SHOWN HEREON HAS CAUSED THAT PORTION DESCRIBED HEREON TO BE SURVEYED AND PLATTED AS "HAY CREEK MEADOWS FIRST REPLAT", BISMARCK, NORTH DAKOTA.

WEY ALSO DEDICATE EASEMENTS TO THE CITY OF BISMARCK TO RUN WITH THE LAND, FOR GAS, ELECTRIC, TELEPHONE OR OTHER PUBLIC UTILITIES OR SERVICES OR OR UNDER THESE CERTAIN STRIPS OF LAND RESERVATION HEREON AS UTILITY, SANITARY SEWER, STORM SEWER & STORM WATER EASEMENTS.

STATE OF NORTH DAKOTA }
COUNTY OF BURLEIGH }
SS WADE VOGL
PREMIER HOMES
PO BOX 648
WANDAN, ND 58554

ON THIS _____ DAY OF _____, 2014, BEFORE ME PERSONALLY APPEARED WADE VOGL, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE, AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

DAVID PATRICK, NOTARY PUBLIC
BURLEIGH COUNTY, NORTH DAKOTA
MY COMMISSION EXPIRES AUGUST 24, 2016

JUN 11 2014



**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

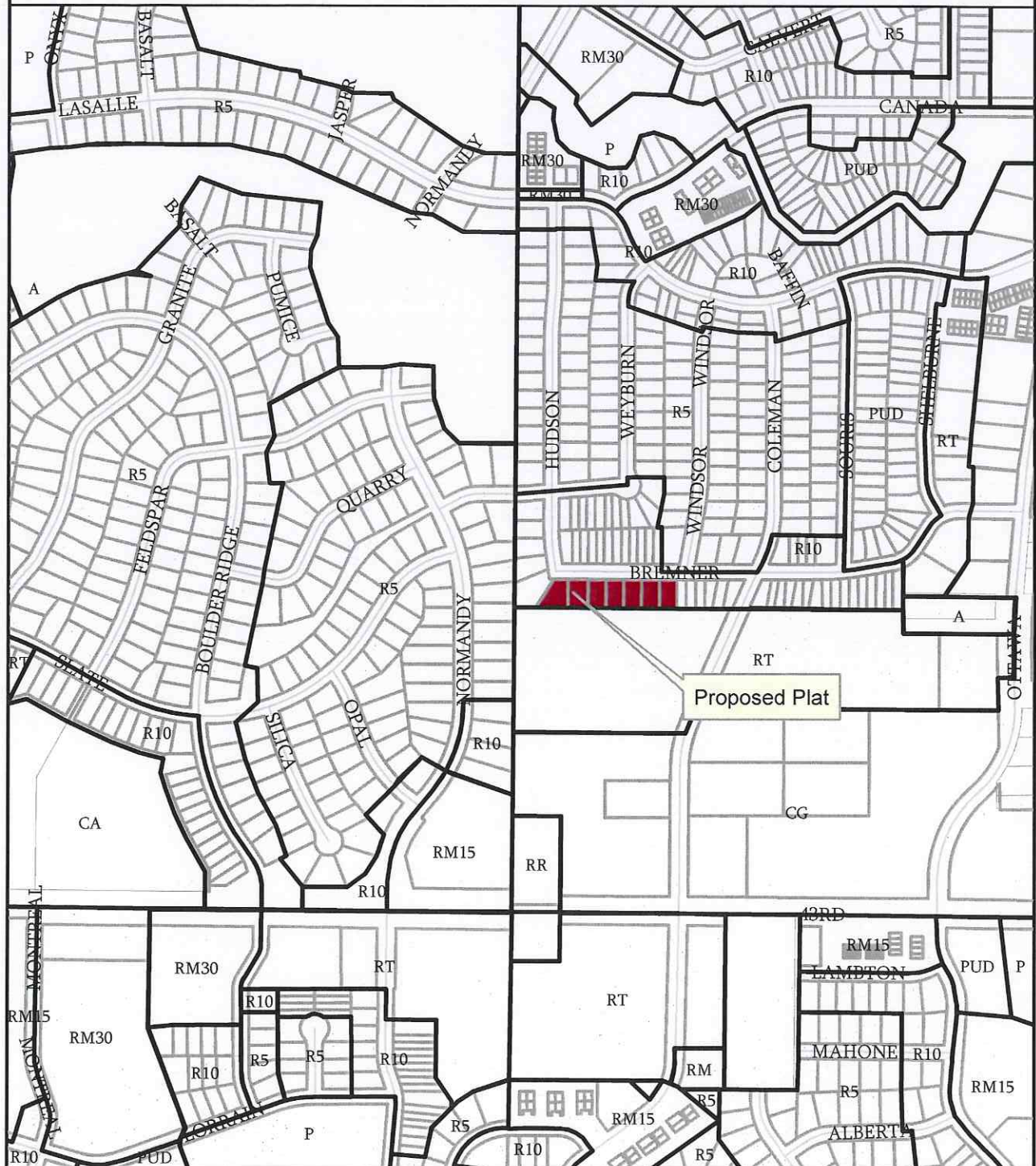
BACKGROUND:		
Title: Bremner Avenue Addition – Minor Subdivision Final Plat		
Status: Planning Commission – Public Hearing	Date: June 25, 2014	
Owner(s): Felton Developing, Inc.	Engineer: Swenson, Hagen & Company	
Reason for Request: Replat property to create additional lots for development, creating 10 lots out of 8 lots.		
Location: In northwest Bismarck, along the south side of Bremner Avenue west of Coleman Street (a replat of Lots 6 and 7, Block 3, Hudson Street Addition and Lots 2-6, Block 16, Sonnet Heights Subdivision).		
Project Size: 2.02 acres	Number of Lots: 10 lots in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
	Land Use: Five two-family homes	
Zoning: R10 – Residential	Zoning: R10 - Residential	
Uses Allowed: R10 – Single and two-family residential	Uses Allowed: R10 – Single and two-family residential	
Maximum Density Allowed: R10 – 10 units/acre	Maximum Density Allowed: R10 – 10 units/acre	
PROPERTY HISTORY:		
Zoned: 05/2012 (Hudson Street Addtn) 12/1980 (Sonnet Heights Addtn)	Platted: 05/2012 (Hudson Street Addtn) 12/1980 (Sonnet Heights Addtn)	Annexed: 07/2006
FINDINGS:		
<ol style="list-style-type: none"> 1. All technical requirements for approval of a minor subdivision final plat have been met. 2. The storm water management plan has been approved by the City Engineer. 3. The property is already annexed; therefore, the proposed subdivision would not place an undue burden on public services and facilities. 4. The proposed subdivision would be compatible with adjacent land uses. Adjacent land uses include developing two-family residential to the north and east, developing single and two-family residential to the west and an existing senior housing facility to the south. 5. The proposed subdivision would not adversely affect property in the vicinity. 6. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance and subdivision regulations. 7. The proposed subdivision is consistent the master plan, other adopted plans, policies and accepted planning practice. 		

RECOMMENDATION:

Based on the above findings, staff recommends approval of the minor subdivision final plat for Bremner Avenue Addition.

/JW

Proposed Minor Plat Bremner Avenue Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 6/10/2014(hlb)

Source: City of Bismarck

0 550 1,100 Feet



OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, That Felson Development, Inc., a North Dakota Business Corporation, owners of the following described property:

THE REPART OF LOTS 6, 7, BLOCK 3, AND ADJOINING RIGHT OF WAY, HUDSON STREET ADDITION AND LOTS 2, 3, 4, 5, 6, 7, BLOCK 18, AND ADJOINING RIGHT OF WAY, SONNET HEIGHTS SUBDIVISION, IN THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

Has caused the same to be surveyed and depicted as BRENNER AVENUE ADDITION and does hereby dedicate to the public for public use the public way and utility easements so created by this plat.

In witness whereof said Felson Development, Inc., a North Dakota Business Corporation, has caused these presents to be signed by its proper officers this _____ day of _____, 20____.

Walter Felson _____ officers title _____

STATE OF _____ COUNTY OF _____

Be it known on this _____ day of _____, 20____, before me personally appeared _____, a _____ officer in Felson Development, Inc., a North Dakota Business Corporation, and acknowledged the execution and signing of the above Certificate to be their voluntary act and deed.

Notary Public, _____ County, State of _____ My Commission Expires: _____

BRENNER AVENUE ADDITION

A REPLAT OF LOTS 6 AND 7, BLOCK 3, AND ADJOINING RIGHT OF WAY, HUDSON STREET ADDITION AND LOTS 2, 3, 4, 5, 6, 7, BLOCK 18, AND ADJOINING RIGHT OF WAY, SONNET HEIGHTS SUBDIVISION, OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 49 NORTH, RANGE 80 WEST OF THE 5TH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, Robert M. Illig, a Registered Professional Land Surveyor in the State of North Dakota, hereby certify that I made the within and foregoing plat which is a correct representation of the survey prepared under my direct supervision and control, and that all measurements are correct, that the outside boundary lines are correctly depicted, and that all easements and other interests are correctly depicted, and that the plat is a true and correct representation of the survey as actually made, and that I am a duly licensed and qualified surveyor to the best of my knowledge and belief and that all required monuments are placed in the ground as shown.

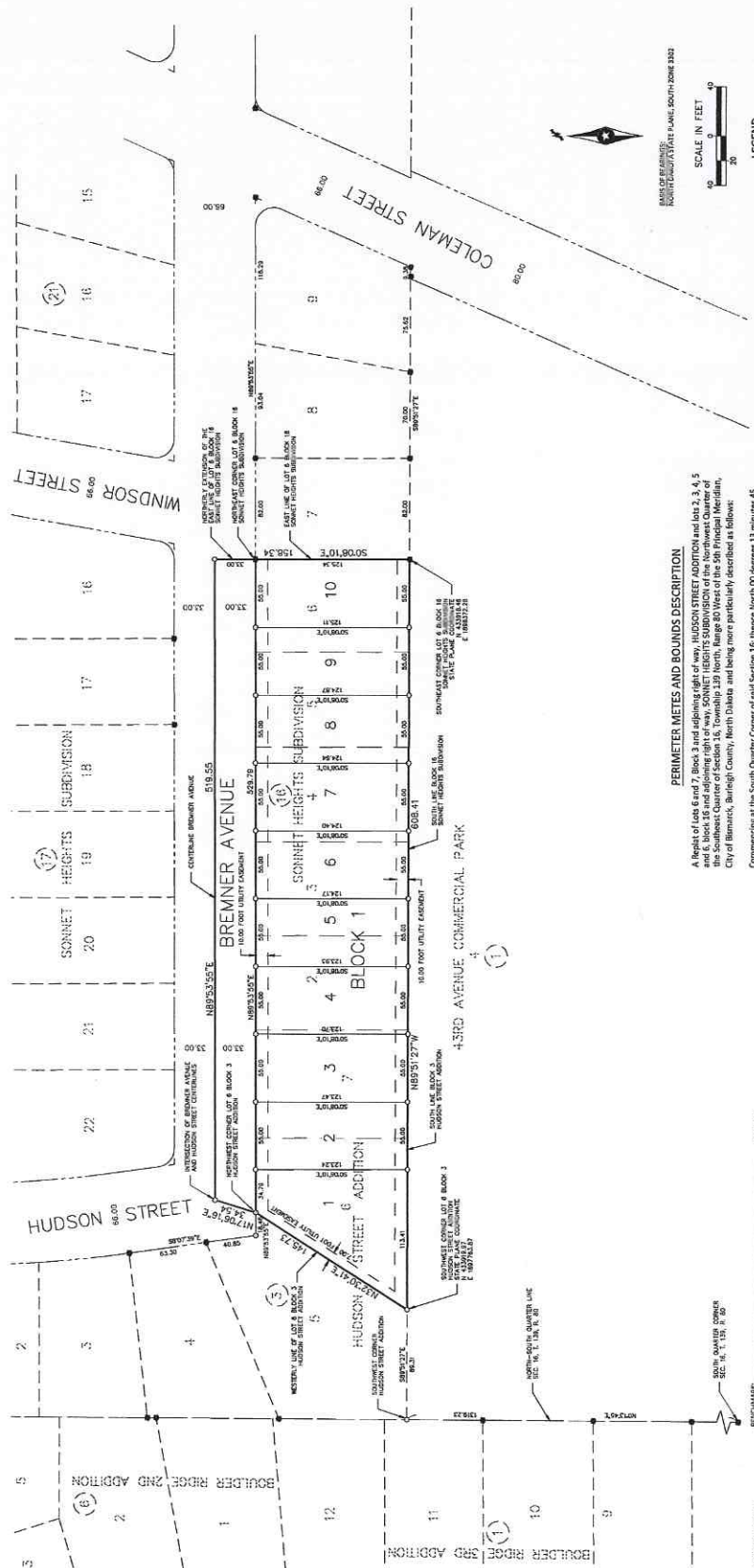


Robert M. Illig
Registered Professional Land Surveyor
License No. 15-8444

STATE OF NORTH DAKOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____.

Notary Public, _____ County, North Dakota
My Commission Expires: _____



LEGEND

---	SUBDIVISION BOUNDARY LINE
---	SUBDIVISION LOT LINE
---	QUARTER SECTION LINE
---	UTILITY EASEMENT
---	RIGHT-OF-WAY LINE
---	ADJACENT LOT LINES
○	DENOTES SET, 5/8" REBAR W/ CAP, L.C. NO. 15-8444
●	DENOTES BOUNDARY MONUMENT FOUND

AREA TABULATIONS

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**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 3 less the West 1 foot and the West 16 feet of Lot 4, Block 2, Meadow Valley Addition – Special Use Permit (Digital Billboard)		
Status: Planning Commission – Public Hearing	Date: June 27, 2014	
Owner(s): North Cape Properties – owner Dakota Outdoor Advertising – applicant	Engineer: N/A	
Reason for Request: Allow the placement of a forty (40) foot tall two-sided pylon sign with a 48' x 14' static billboard face and a 48'x 14' digital billboard face less than 300 feet from a residential zoning district.		
Location: In south Bismarck, directly south of Bismarck Expressway between South 3 rd Street and 7 th Street (413 E Bismarck Expressway).		
Project Size: 23,930 square feet	Number of Lots: One parcel	
EXISTING CONDITIONS:		
Land Use: Commercial (billboard)	PROPOSED CONDITIONS:	
Land Use: Commercial (billboard)	Land Use: Commercial (billboard/digital billboard)	
Zoning: CG – Commercial	Zoning: CG – Commercial	
Uses Allowed: General commercial uses	Uses Allowed: General commercial uses	
Maximum Density Allowed: 42 units/acre	Maximum Density Allowed: 42 units/acre	
PROPERTY HISTORY:		
Zoned: Pre-1980	Platted: Pre-1980	Annexed: Pre-1980
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. If approved, the proposed special use permit would be the first digital billboard to be located within 300 feet of residential property in Bismarck. The proposed special use permit is for a two-sided, forty (40) foot tall pylon sign that will include a static billboard on the east side of the sign face facing west flowing traffic and a digital billboard on the west side of the sign face facing east flowing traffic. The applicant has indicated that the sign will be positioned in such a manner as to ensure that the digital sign face will not be seen by the residential properties to the south. The applicant has submitted renderings that would support this statement; those renderings are attached. The applicant has also indicated that the static billboard will be lit with two (2) 400 watt halogen lights that will be automatically be shut off from 1:00 am to 5:00 am. 2. Section 4-04-12 of the City Code of Ordinances (Special Provisions for Digital Billboard Signs) includes a provision that digital billboards must be located at least 300 feet from any RR, RR5, R5, R10, RM or RMH zoning district, as measured from any part of the sign to the nearest property line in any residential zoning district. This distance may be reduced to 150 feet provided the following requirements are met: <ol style="list-style-type: none"> a. The digital billboard is oriented away from the residential property; b. No portion of the sign face or viewing surface of the digital billboard is visible from the residential property; and c. A special use permit is approved by the Planning & Zoning Commission in accordance with the provisions of Section 14-03-08. 		

(continued)

2. A building permit was issued in 2008 to demolish the Pizza Hut restaurant on site, however the existing fifteen (15) sign located along the northern property line remained. The applicant has added new panels to the sign and anticipates that the sign will function as advertising for any new businesses that would be constructed on site in the future.

FINDINGS:

1. The proposed digital billboard meets the provisions outlined in Section 4-04-12(5). In particular, the digital billboard is oriented away from the residential property and the sign face or viewing surface of the digital billboard sign will not be visible from any of the residential property located within 300 feet of the sign.
2. The proposed special use is in harmony with the purpose and intent of the zoning ordinance and the master plan of the City of Bismarck.
3. The proposed special use would not adversely affect the public health, safety and general welfare.
4. The proposed special use would not be detrimental to the use or development of adjacent properties.
5. The proposed special use complies with the special regulations established by Section 14-03-08 of the City Code of Ordinances, and all special conditions necessary for the safety and welfare of the public.

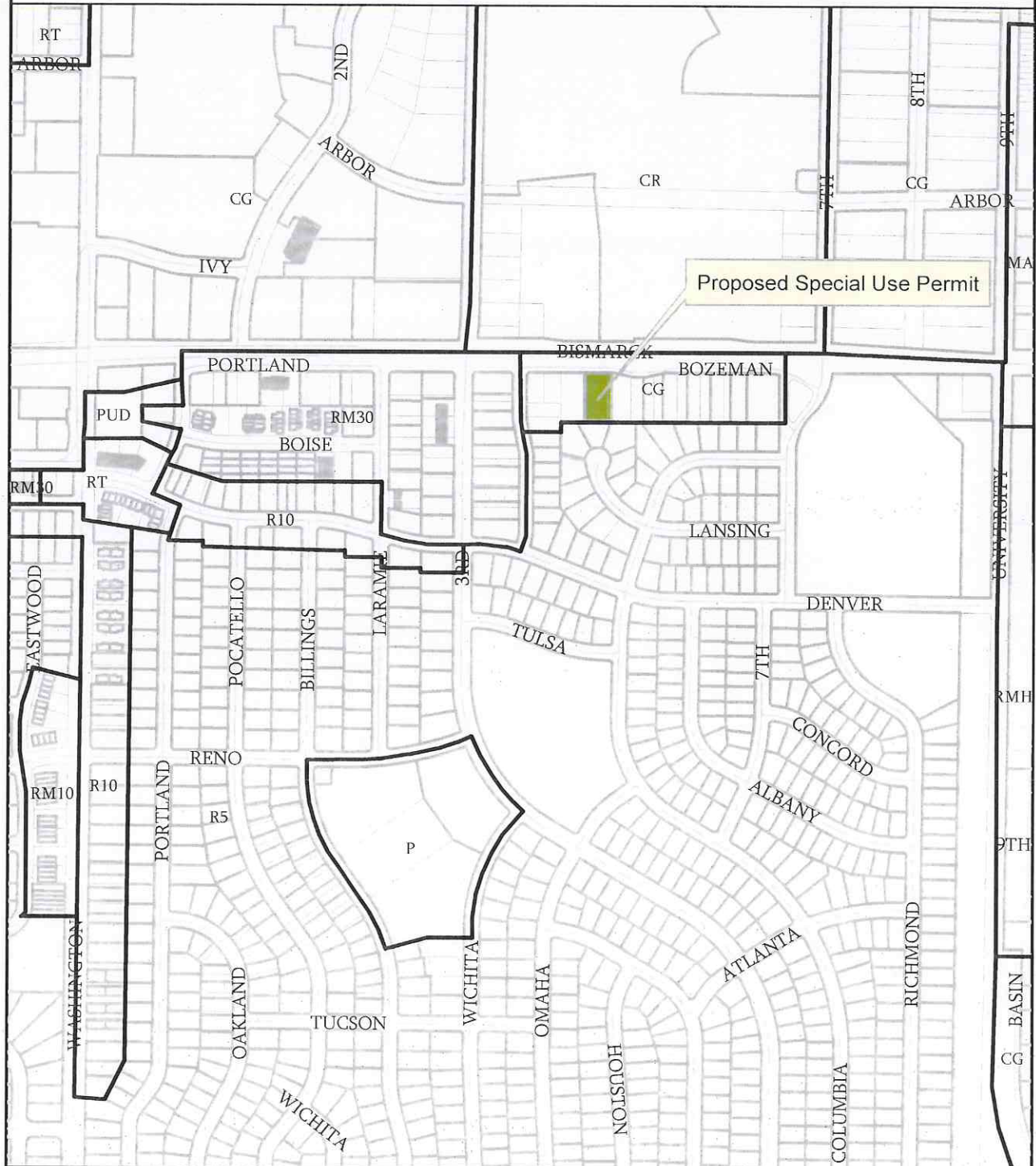
RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to allow a forty (40) foot tall two-sided pylon sign with a 48' x 14' static billboard face and a 48'x 14' digital billboard face less than 300 feet from a residential zoning district with the following condition:

1. Development of the site shall generally conform to the site plan submitted with the application, including the orientation of the sign faces.
2. If after construction, any portion of the digital billboard sign face is visible from the residential properties to the south, the digital billboard portion of the sign must be modified to comply with the ordinance requirement.

/JW

Proposed Special Use Permit Part of Lot 3, Block 2, Meadow Valley Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated herein.
Date: 3/18/2014 (hib)

Source: City of Bismarck

0 550 1,100 Feet



DAKOTA

Outdoor Advertising

RECEIVED
JUN 02 2014

Jenny Wollmuth
Planner
City of Bismarck Community Development
221 North 5th St.
Bismarck, N.D. 58506

May 30, 2014

Re: Special Use Permit Application for Digital Billboard on 413 E. Expressway (Mertz)

Dear Jenny:

First of all, we would like you to know that we appreciate you working with us to extend our time table for getting you proper engineering documentation supporting this Special Use Permit application. We believe the information is now complete and would like to modify our initial application in such a way as we believe the City of Bismarck will support passage of this SUP.

The changes we would like to make are as follows:

- (1) We are changing the application so that we are applying for a billboard that will consist of a digital billboard on only one side and a "static" billboard on the other side. Attached please the structural engineering plans from RMG Outdoor Inc. (Exhibit "A"). Please note that we are rotating the sign in such a manner to ensure that the sign face will not be seen at all by any citizen of Bismarck living in a residential zone within 300 feet of this sign, as shown below.
- (2) The digital board will face northwest towards the mall, facing the east flowing traffic. As noted above, we are rotating the sign so as to ensure that the sign face will not be seen at all by any citizen of Bismarck living in a residential zone within 300 feet of this sign. This is evidenced by the attached "Light Analysis for DB-4200 14X48" prepared by the engineering department from Daktronics, Inc., the digital billboard manufacturer (Exhibit "B"). The digital lighting will conform to all national standards for illumination.
- (3) The "static" billboard be on the northeast face toward the mall, facing the west flowing traffic. The lighting for this sign will conform to national standards and it will have only 2 halogen lights directed toward the billboard face and away from any residential properties. As indicated by the attached lighting description from the lights' manufacturer, Halophane (Exhibit "C"), these lights will be 400 watts or less, which is the industry standard. Additionally, the billboard will have an automatic timer and the lights will be shut off from 1:00am to 5:00am.
- (4) We would like to submit to the City three dimensional engineered drawings (3 pages), depicting exactly what the billboard structure will look like once built from different angles (Exhibit "D"). As you can see, this structure is now positioned in such a manner that it is not negatively

impacting the residential zoning areas at all. Please refer to our submission from KLJ Engineering to confirm this.

- (5) With these modifications, the cost of the billboard has been decreased to \$275,000. We will be submitting a new permit application to the Building Department reflecting the decreased cost once the SUP is approved.



We feel we have made numerous positive adjustments to our application to assure that the billboard will not adversely affect the area residents and will allow the City of Bismarck to support this special use permit application. We plan on being a long term partner with the City of Bismarck and the many businesses in the area and look forward to a continuing positive relationship. If you need further information for this application, please advise.

Thank you for your time and assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rich Evans', with a long horizontal flourish extending to the right.

Rich Evans
Dakota Outdoor Advertising, LLC

	Light Analysis for DB-4200 14x48 Dakota Outdoor Rev. 4 413 East Bismarck Expressway Rotated CW New "V" 25'8" / 30°	Date: 05/14/2014 Prepared by: Eric Johnson
		

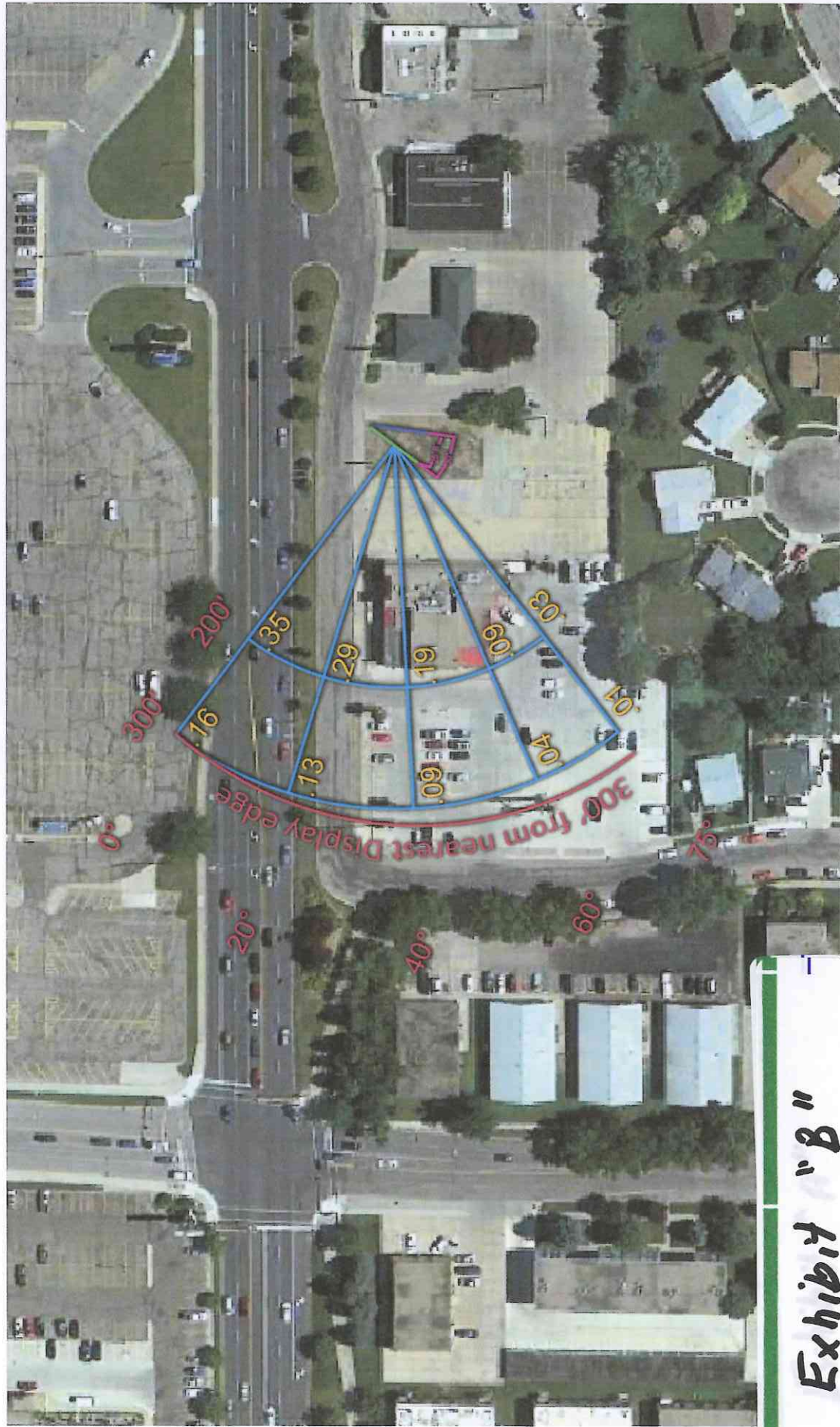


Exhibit "B"

- Display at 3% of Maximum Daytime Brightness (255 Nits)
- Calculations take into account a 3' HAGL to bottom of display
- Graph assumes level ground and no obstructions, any rise or fall in elevation is not calculated

*Calculations are based on all white content being displayed. Statistically, the utilization rate is 25%-35% which results in actual light calculations 25%-35% of those shown on this analysis. Light Levels shown are in foot candelas (fc).

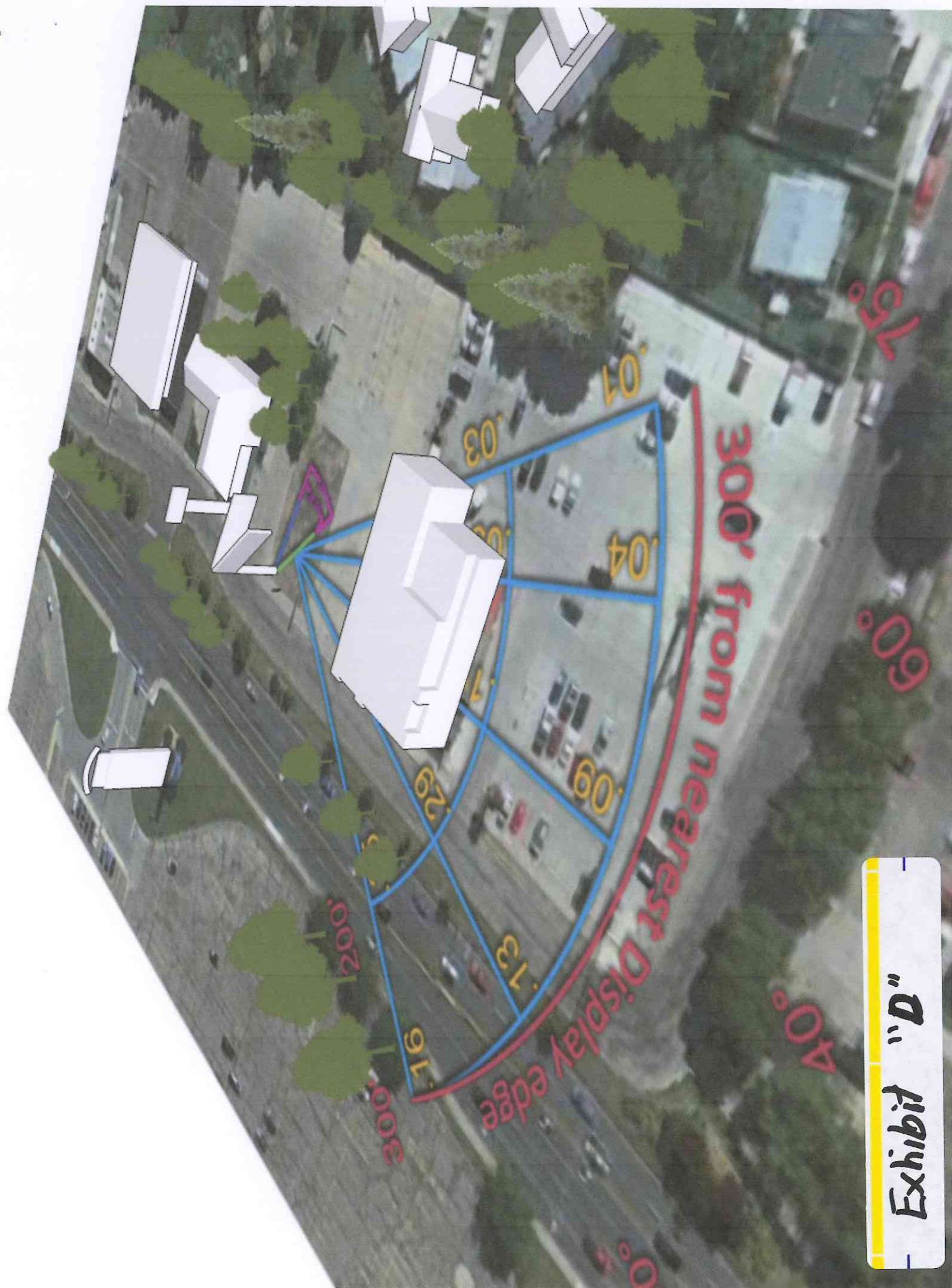
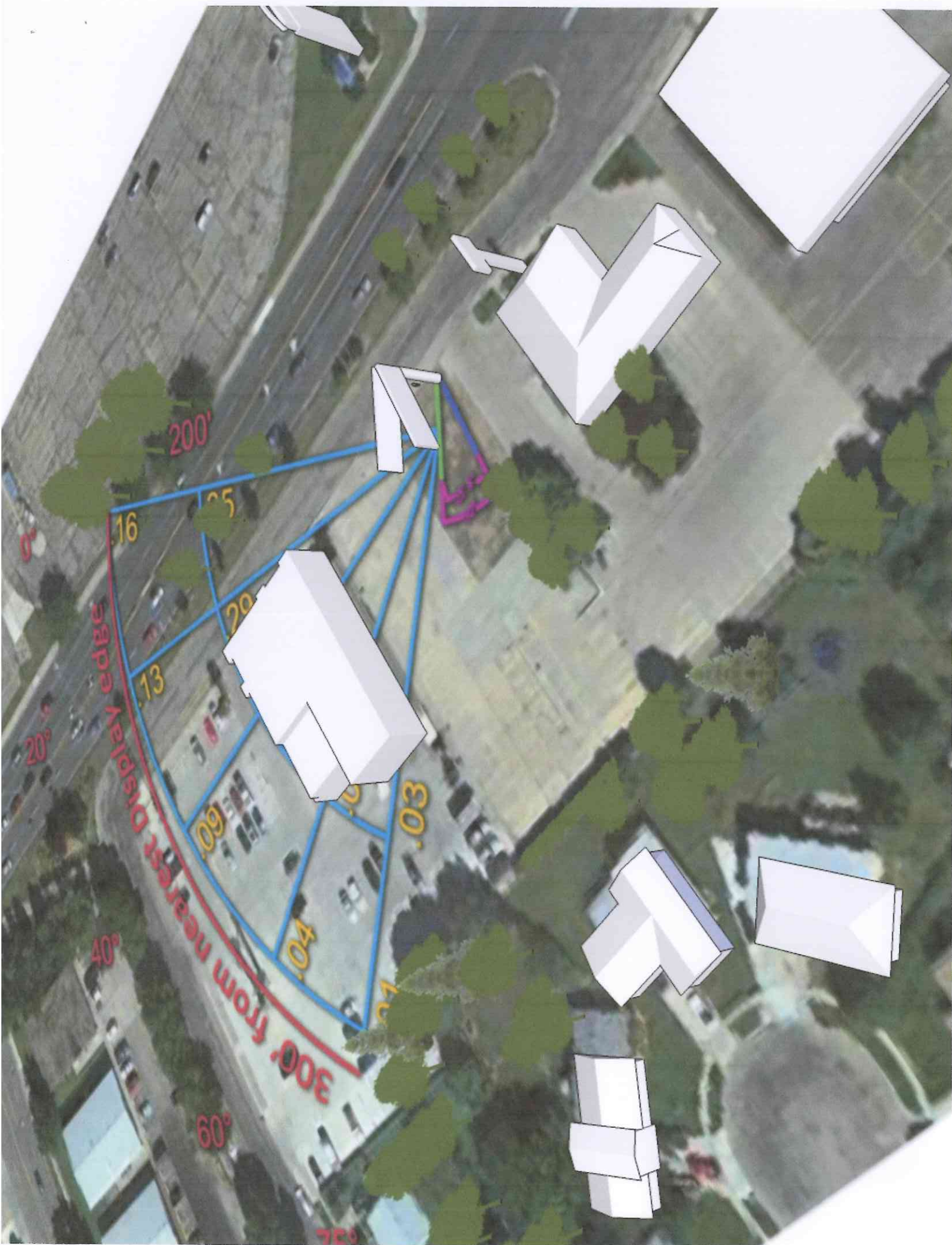


Exhibit "D"





**BISMARCK COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

BACKGROUND:		
Title: Lot 1, Block 5, Sunrise Town Centre Addition – Special Use Permit (Filling Station and Auto Laundry/ Car Wash)		
Status: Planning Commission – Public Hearing	Date: June 25, 2014	
Owner(s): JSW LLC	Engineer: Holly Beck Surveying & Engineering, INC	
Reason for Request: To allow for future development of a filling station and auto laundry/car wash facility.		
Location: In northeast Bismarck, east of Centennial Road in the northwest quadrant of the intersection of Yorktown Drive and Saratoga Avenue.		
Project Size: 1.9 acres / 83,422 square feet	Number of Lots: 1 lot in 1 block	
EXISTING CONDITIONS:		
Land Use: Undeveloped	PROPOSED CONDITIONS:	
	Land Use: General commercial uses including filling station and auto laundry /carwash with special use permit	
Zoning: CG – Commercial	Zoning: CG – Commercial	
Uses Allowed: CG – General commercial uses	Uses Allowed: GC – General commercial uses	
Maximum Density Allowed: CG – 42 units/ acre	Maximum Density Allowed: CG – 42 units/acre	
PROPERTY HISTORY:		
Zoned: 03/2013	Platted: 03/2013	Annexed: 03/2013
ADDITIONAL INFORMATION:		
<ol style="list-style-type: none"> 1. A filling station is allowed as a special use in the CG – Commercial district, provided specific conditions are met. The proposed filling station meets all ten provisions outlined in Section 14-03-08(4)(e) of the City Code of Ordinances (Special Uses). A copy of the section of the ordinance is attached. 2. An auto laundry/car wash is allowed as a special use in the CG - commercial district, provided specific conditions are met. The proposed auto laundry/carwash meets all seven provisions outlined in Section 14-03-08(4)(m) of the City Code of Ordinances (Special Uses). In addition, the proposed car wash meets the required vehicle stacking space requirements of six vehicle spaces per bay as indicated in 14-03-10 (2) of the City Code of Ordinances (Off-Street Parking and Loading). Copies of both sections of the ordinance are attached. 		
<i>(continued)</i>		

3. The eastern 40 feet of Yorktown Drive adjacent to the proposed special use, along Lot 14, Block 4, Turnbow Industrial Park 1st Subdivision was not included in the plat of Sunrise Town Centre Addition; therefore, the eastern 40 feet of Yorktown Drive in this area was not annexed. Prior to approval of a site plan or building permit to construct the proposed special use, the eastern 40 feet of Yorktown Drive adjacent to the proposed special use permit (Lot 1, Block 5, Sunrise Town Centre Addition), must be annexed and roadway improvements must be under contract to be constructed to by either a special assessment district or a three-way agreement with the developer, the roadway contractor and the City of Bismarck.

FINDINGS:

1. The proposed special use would comply with all applicable provisions of the zoning ordinance.
2. The proposed special use permit would not adversely affect the public health, safety and general welfare.
3. The proposed special use would not be detrimental to the use or development of adjacent properties.
4. The use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
5. Not all public facilities and services are in place to serve this property. In particular, the eastern 40 feet of Yorktown Drive adjacent to the proposed special use along Lot 14, Block 4 Turnbow Industrial Park Subdivision has not been annexed and is not yet constructed. In order for the proposed special use to function as intended in the proposed site plan, the eastern 40 feet of Yorktown Drive must be annexed and roadway improvements must be under contract to be constructed.
6. The use would not cause a negative cumulative effect, when considered in conjunction with the cumulative effect of other uses in the immediate vicinity.
7. Adequate measures have been taken to minimize traffic congestion in the public streets to provide for appropriate on-site circulation of traffic; in particular, adequate vehicle stacking spaces would be provided in a manner that would not negatively impact traffic movements on Saratoga Avenue or Yorktown Drive.

RECOMMENDATION:

Based on the above findings, staff recommends approval of the special use permit to allow the operation of a filling station and auto laundry/car wash on Lot 1, Block 5, Sunrise Centre Addition with the following condition:

1. Prior to approval of a site plan or building permit to construct the proposed special use, the eastern 40 feet of Yorktown Drive adjacent to the proposed special use permit (Lot 1, Block 5, Sunrise Town Centre Addition), must be annexed and roadway improvements must be under contract to be constructed by either a special assessment district or a three-way agreement with the developer, the roadway contractor and the City of Bismarck.
2. The site must generally conform to the site plan submitted with the application.

/JW

Section 14-03-08(4)(e) of the City Code of Ordinances (Special Uses)

e. Filling stations. A filling station may be permitted in a CA, CB, CG, CR, or MA district as a special use provided:

1. The minimum total area of the premises shall be at least twenty-one thousand (21,000) square feet with minimum lot dimensions of one hundred forty (140) feet in width and length.

2. Pump dispensers shall have a setback of at least fourteen (14) feet from the property line.

3. The filling station building shall have a fifty (50) foot setback from property lines adjacent to public streets.

4. A filling station may front on only one arterial or collector street and may also be adjacent to a local street.

5. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from intersecting street corner on local streets.

6. All repair areas, grease and wash racks shall be maintained within the principal building.

7. Rubbish bins and storage racks shall be maintained within a screened area only.

8. Adequate off-street parking must be provided for all operator equipment and at least one space for each two employees and at least five (5) spaces for each service stall or bay on the premises.

9. No storing or parking of wrecked or partially disassembled automobiles or trucks for periods of greater than ninety-six (96) hours shall be allowed.

10. Above-ground storage of petroleum products may be allowed only in MA-Industrial District subject

to prior written approval of the Fire Department and adherence to the requirements of subsection p of this section

Section 14-03-08(4)(m) of the City Code of Ordinances (Special Uses)

Auto laundry-car wash. An auto laundry or car wash may be permitted in a CG, CR, MA or MB district as a special use, provided:

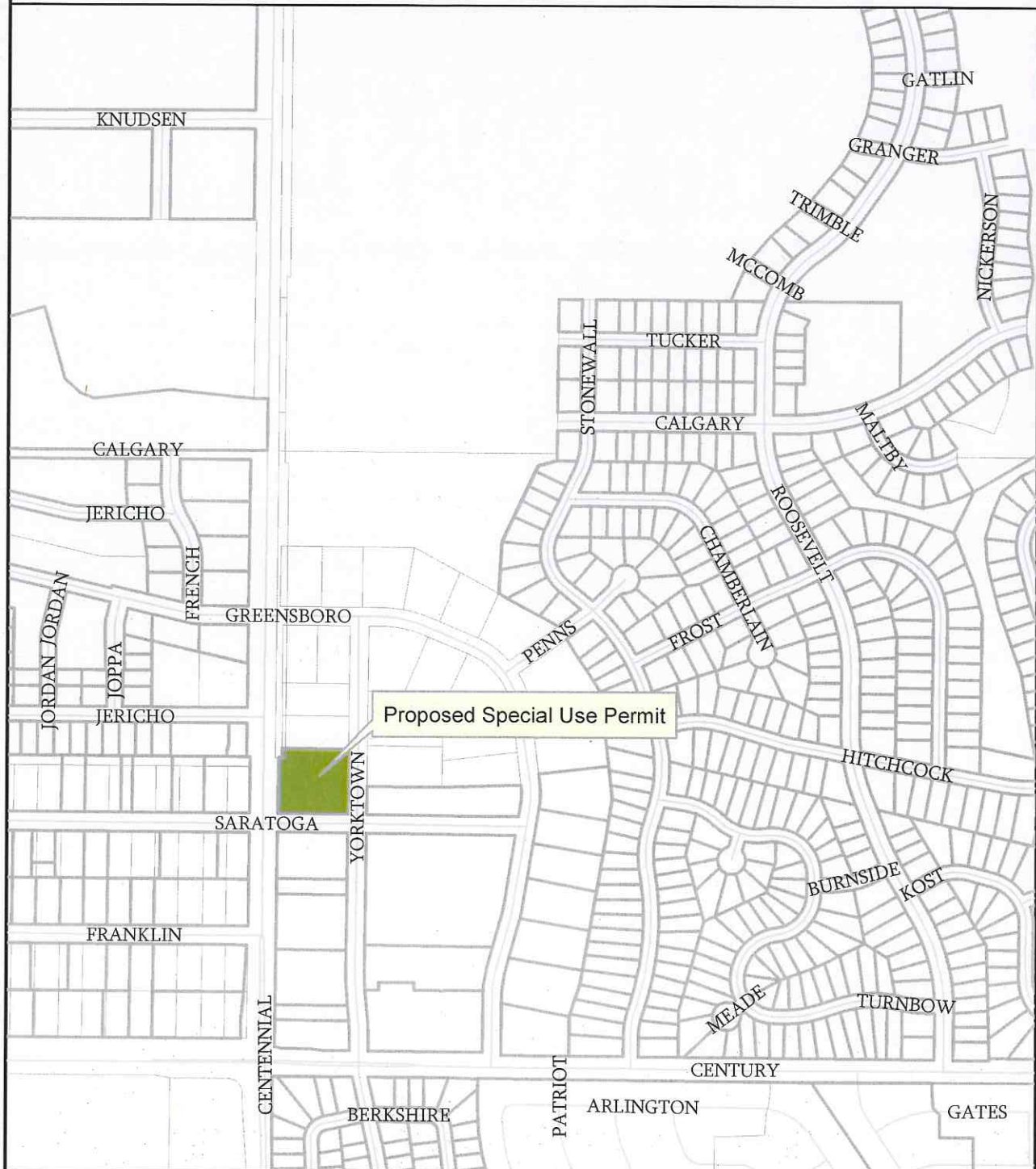
1. The lot area, lot width, front yard, side yards, rear yards, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located except that the minimum front yard setback shall be twenty-five (25) feet.
2. Access to and egress from an auto laundry facility shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.
4. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local streets.
5. An auto laundry-car wash may front on only one arterial or collector street and may also be adjacent to a local street.
6. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. All curb cuts, widths, and other specifications shall comply with the standards established by the city engineer.
7. No fence, wall, terrace, structure, shrubbery or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the front ten (10) feet of any lot except a sign pole of two (2) feet or less in any dimension.
7. No automobile shall be parked in the first fifteen feet of a required setback area.

Section 14-03-10(2) of the City Code of Ordinances (Off-Street Parking and Loading)

2. Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

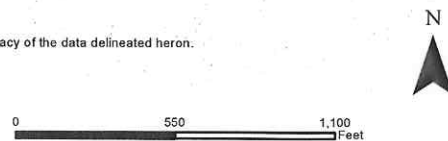
Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution - teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk
Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window

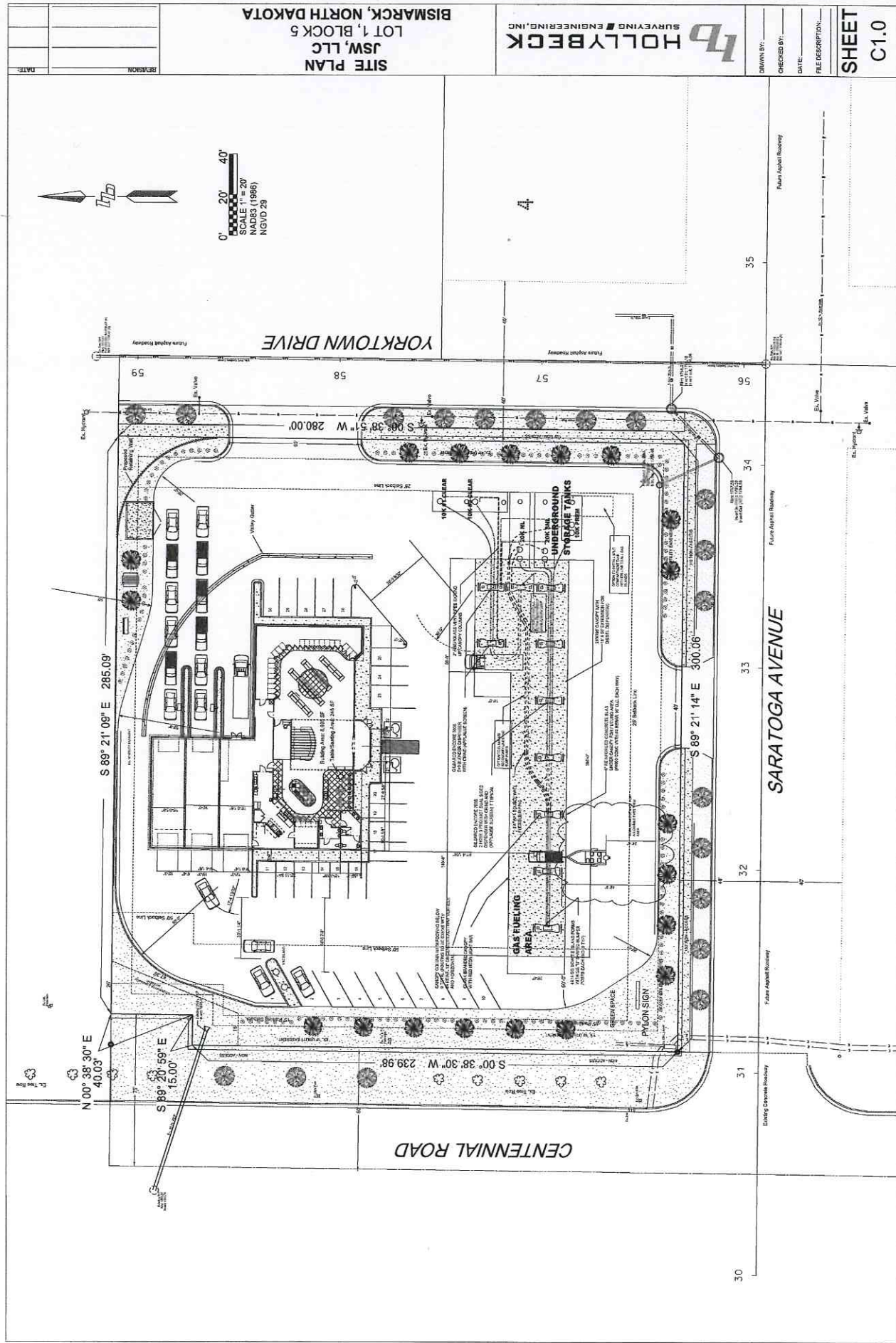
Proposed Special Use Permit Lot 1, Block 5, Sunrise Town Centre Addition



DISCLAIMER: This map is for representation use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.
Date: 5/27/2014(hlb)

Source: City of Bismarck





DATE:	
REVISION:	

SITE PLAN
JSW, LLC
LOT 1, BLOCK 5
BISMARCK, NORTH DAKOTA

hp HOLLYBECK
SURVEYING & ENGINEERING, INC.

SHEET C1.0

DRAWN BY: _____
 CHECKED BY: _____
 DATE: _____
 FILE DESCRIPTION: _____

JUN 18 2014

CITY OF BISMARCK

Ordinance No. XXXX

First Reading _____

Second Reading _____

Final Passage and Adoption _____

Publication Date _____

AN ORDINANCE TO AMEND AND RE-ENACT SECTIONS 14-04-07 AND 14-04-08 OF THE BISMARCK CODE OF ORDINANCES (REV.) RELATING TO THE RM RESIDENTIAL AND RT RESIDENTIAL DISTRICTS, USES PERMITTED, ROW HOUSES.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-04-07 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RM Residential District is hereby amended and re-enacted to read as follows:

14-04-07. RM Residential District. In any RM residential district the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted.

* * * * *

e. Row houses. Attached single-family dwellings in groups of not more than eight (8) or less than ~~two (2)~~ three (3) dwelling units in one building, or in groups of not more than eight (8) or less than two (2) dwelling units when constructed as part of an overall row house development with at least three (3) buildings.

1) Density. The maximum allowable density per acre shall be as stipulated in the underlying zoning district.

2) Lot and Yard Requirements.

Each attached single-family dwelling hereafter erected shall conform to the following minimum lot area and yard requirements:

	Interior	End	Corners
Lot area in square feet	2,300	3,220	3,795
Lot width of front building line in feet	20	28	33
Depth of lot in front	115	115	115
Depth of front yard in feet	25	25	25
Width of side yard in feet		10	25
Depth of rear yard in feet	20	20	20

3) Height regulations. The maximum height of any principal building shall be forty (40) feet.

4) Safety provision. Row houses shall have wall separations between each dwelling unit of at least a two-hour fire-rated wall which shall extend from the footing to and through the roof at least thirty (30) inches except as may be allowed by the city building code pertaining to area separation walls.

5) Off-street parking. Off-street parking spaces shall be provided for each dwelling unit in compliance with Section 14-03-10 hereof.

6) Regulations Imposed on Overall Structure. The lot coverage requirements and the minimum front, side and rear yard setbacks shall be imposed on the overall structure rather than on each individual unit.

* * * * *

Section 2. Amendment. Section 14-04-08 of the City of Bismarck Code of Ordinances (1986 Rev.) relating to the RT Residential District is hereby amended and re-enacted to read as follows:

14-04-08. RT Residential District. In any RT residential district the following regulations shall apply:

* * * * *

2. Uses permitted. The following uses are permitted.

* * * * *

h. Row houses. Attached single-family dwelling in groups of not more than eight (8) nor less than ~~two (2)~~ three (3) dwelling units in one building, or in groups of not more than eight (8) or less than two (2) dwelling units when constructed as part of an overall row house development with at least three (3) buildings.

1) Density. The maximum allowable density is sixteen (16) families per net acre.

2) Lot area.

a) Lot and yard requirement regulations for row house use. Each attached single-family dwelling hereafter erected shall conform to the following minimums:

	Interior	Interior End	Street Corners
Lot area in square feet	2,300	3,220	3,795
Lot width of front building line in feet	20	28	33
Depth of lot in feet	115	115	115
Depth of front yard in feet	25	25	25
Width of side yard in feet	-	10	25
Depth of rear yard	20	20	20

in feet

3) Height regulations. The maximum height of any principal building shall be forty (40) feet.

4) Safety provision. Row houses shall have wall separations between each dwelling unit of at least a two-hour fire-rated wall which shall extend from the footing to and through the roof at least thirty (30) inches except as may be allowed by Chapter 5 of the city building code pertaining to area separation walls.

5) Access to rear yards. The required rear yard to each row dwelling shall have an unobstructed access to a public walkway at least four (4) feet wide extending to an alley or street.

6) Off-street parking. Off-street parking spaces shall be provided for each dwelling unit as provided under Section 14-03-10 of this ordinance.

* * * * *

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date. This ordinance shall take effect following final passage, adoption and publication.